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STATE OF NEW YORK

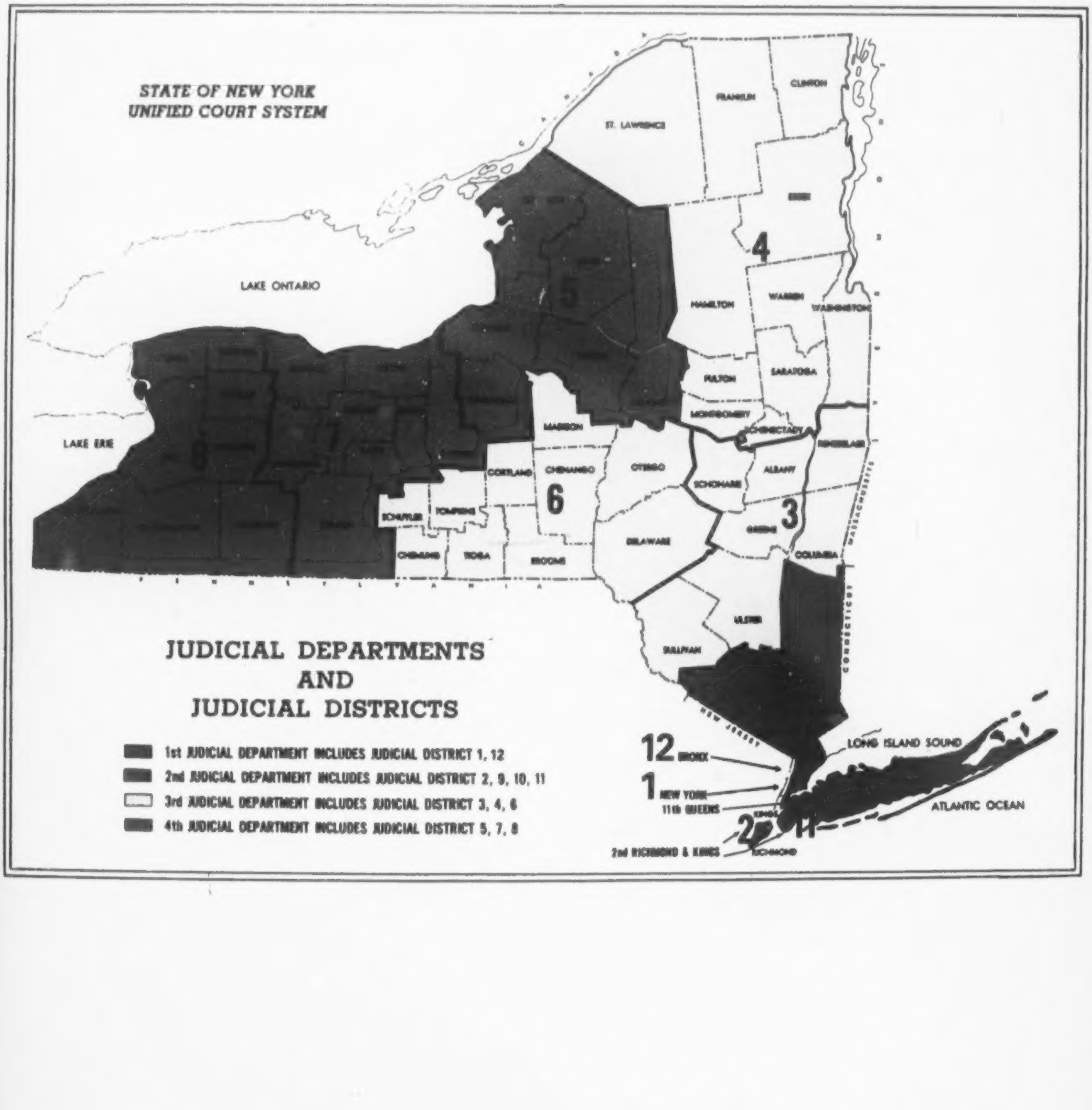
Unified Court System

Fifteenth Annual Report

of

The Chief Administrator of the Courts

1993


STATE OF NEW YORK
UNIFIED COURT SYSTEM
JUDICIAL DEPARTMENTS
AND
JUDICIAL DISTRICTS
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LAKE ERIE
ST. LAWRENCE
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WARREN
WASHINGTON
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SARATOGA
MONTGOMERY
SCHENECTADY
RENSSELAER
ALBANY
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OTSEGO
MADISON
CHENANGO
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SCHUYLER
TOMPKINS
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3
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CONNECTICUT
MASSACHUSETTS
LONG ISLAND SOUND
ATLANTIC OCEAN
12 BRONX
1 NEW YORK
11th QUEENS
KINGS
2
11
2nd RICHMOND & KINGS
RICHMOND

Letter of Transmittal

To:

THE HONORABLE MARIO M. CUOMO, Governor of the State of New York,
and
The Legislature of the State of New York:

Pursuant to Section 212 (j) of the Judiciary Law, I submit this annual report of the activities and state of the unified court system in 1992.

Matthew T. Crosson
Chief Administrator

March 15, 1993

COURT OF APPEALS
Judith S. Kaye, *Chief Judge*

Richard D. Simons
Vito J. Titone
Stewart F. Hancock, Jr.
Joseph W. Bellacosa
George Bundy Smith

ADMINISTRATIVE BOARD OF THE COURTS
Judith S. Kaye, *Chairman*

Francis T. Murphy
Guy J. Mangano
Leonard A. Weiss
M. Dolores Denman

STATE OF NEW YORK

Report
of
The Chief Administrator of the Courts

For the Calendar Year

January 1, 1992 - December 31, 1992

Court of Appeals

Richard D. Simons, *Acting Chief Judge*

Judith S. Kaye
Vito J. Titone
Stewart F. Hancock, Jr.
Joseph W. Bellacosa
George Bundy Smith

Chief Administrator of the Courts

Matthew T. Crosson

Administrative Board of the Courts

Richard D. Simons, *Acting Chairman*

Francis T. Murphy
Guy J. Mangano
Leonard A. Weiss
M. Dolores Denman

UNIFIED COURT SYSTEM
1992

MATTHEW T. CROSSON
Chief Administrator

MILTON L. WILLIAMS
Deputy Chief Administrative Judge
New York City Courts

JONATHAN LIPPMAN
Deputy Chief Administrator
for Management Support

JOSEPH J. TRAFICANTI, JR.
Deputy Chief Administrative Judge
Courts Outside New York City

Administrative Judges

KATHRYN McDONALD
Administrator
New York City Family Court

JACQUELINE W. SILBERMANN
Administrative Judge
New York City Civil Court

ROBERT G. M. KEATING
Administrative Judge
New York City Criminal Court

STANLEY S. OSTRAU
Administrative Judge
First Judicial District
Supreme Court, Civil Branch

PETER J. McQUILLAN
Administrative Judge
First Judicial District
Supreme Court, Criminal Branch

RONALD J. AIELLO
Administrative Judge
Second Judicial District
Supreme Court

ALFRED D. LERNER
Administrative Judge
Eleventh Judicial District
Supreme Court

BURTON B. ROBERTS
Administrative Judge
Twelfth Judicial District
Supreme Court

DONALD J. CORBETT, JR.
Presiding Judge
Court of Claims

ANTHONY V. CARDONA
District Administrative Judge
Third Judicial District

JAMES N. WHITE
District Administrative Judge
Fourth Judicial District

WILLIAM R. ROY
District Administrative Judge
Fifth Judicial District

ROBERT W. COUTANT
District Administrative Judge
Sixth Judicial District

CHARLES L. WILLIS
District Administrative Judge
Seventh Judicial District

JAMES B. KANE
District Administrative Judge
Eighth Judicial District

ANGELO J. INGRASSIA
District Administrative Judge
Ninth Judicial District

LEO F. McGINITY
Administrative Judge
Nassau County

JAMES A. GOWAN
Administrative Judge
Suffolk County

— ★ —

MICHAEL COLODNER
Counsel

WILLIAM L. CLAPHAM
Director, Financial Management
and Audit Services

MARY deBOURBON
Director, Communications

THOMAS F. CHRISTIAN
Director, Community Dispute
Resolution Centers Program

MICHAEL F. McENENEY
Director, Court Operational Services

JOHN PERNO, JR.
Director, Court Security Services

HELEN A. JOHNSON
Director, Education and Training

NORMA MEACHAM
Director, Employee Relations

ADRIENNE WHITE
Director, Equal Employment Opportunity

WILLIAM J. GALLAGHER
Inspector General

RUTH A. FRALEY
Director, Libraries and Records
Management

WAYNE J. McGRATH
Director, Personnel

ROBERT H. SPRATT
Director, Data Processing

CHESTER H. MOUNT, JR.
Manager, Data Services

Preface

This is the Fifteenth Annual Report of the Chief Administrator of the Courts. It is submitted pursuant to section 212 (j) of the Judiciary Law and covers the period from January 1, 1992 through December 31, 1992.

This report is the fifteenth in a series that succeeded the annual reports of the Administrative Board of the Judicial Conference, the Judicial Conference, and the Office of Court Administration. That series, in turn, had succeeded the annual reports of the Judicial Council.

The report consists of four chapters. Chapter 1 describes the objectives, the structure, the administration and the financing of the courts in New York State. Chapter 2 presents the caseload activity report for court operations in calendar year 1992. Chapter 3 reports on education and training programs conducted, coordinated or assisted by the Office of Court Administration in 1992.

Chapter 4 summarizes (a) the legislation sponsored by the Office of Court Administration at the 1992 session of the Legislature and (b) rules revised or added during that year. It includes the *1993 Report of the Advisory Committee on Civil Practice to the Chief Administraor of the Courts of the State of New York*, the *1993 Report of the Advisory Committee on Criminal Law and Procedure to the Chief Administrator of the Courts of the State of New York*, the *1993 Report of the Family Court Advisory and Rules Committee to the Chief Administrator of the Courts of the State of New York*.

The two appendices consist of: 1) Other Programs (Retainer and Closing Statements, Statements of Approval of Compensation, Appointment of Fiduciaries, Attorney Registration, and Adoption Affidavits); and 2) Family Court Data.

The narrative, reportorial and statistical data collected in this report are intended to help the reader understand the judicial branch a bit better. This report also can serve to assist us in planning for the future because by looking back we can often see more clearly ahead. This report cannot convey, however, the abiding commitment of all members of the judicial branch to the ideal of justice equally dispensed for all. That commitment cannot be measured statistically. But it can always be improved. And that improvement remains our foremost and constant goal.

Please Do Not Destroy or Discard This Report

When this report is of no further value to the holder, please return it to the Office of Court Administration, 270 Broadway, New York, N.Y. 10007, so that copies will be available for replacement in our sets and for distribution to those who may request them in the future.

Acknowledgement

The Chief Administrator of the Courts gratefully acknowledges the assistance and cooperation extended to him and to the Office of Court Administration during the past year by the Governor and his staff, members of the Legislature, members of the Judiciary, court personnel, bar associations, and individual lawyers and laypersons.

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Chapter 1

The Courts

The *Judiciary* is one of the three co-equal branches of New York State government. The powers and the structure of the New York State Judiciary are embodied in Article VI of the State Constitution. Article VI was approved by the voters in the 1961 election and became effective September 1, 1962, bringing about the first court reorganization in New York since 1894.

Article VI provides for the administrative supervision of the courts. Since April 1, 1978, under a court reform constitutional amendment approved by the people in November 1977, the responsibility and the authority for that function have been vested in the Chief Judge of the Court of Appeals, who also is the Chief Judge of the State (Article VI, Section 28). The Chief Judge, with the advice and consent of the Administrative Board of the Courts, consisting of the Chief Judge and Presiding Justices of the four Appellate Divisions, appoints a Chief Administrator of the Courts to supervise the administration and operation of the Unified Court System.

Article VI provides for a "unified court system for the state," specifies the organization and the jurisdiction of the courts in the state, and establishes the methods of selection and removal of judges and justices.

The mission of the Unified Court System is to promote the rule of law and to serve the public by providing just and timely resolution of all matters before the courts. In so doing, the Judiciary:

- — provides a forum for the peaceful, fair and prompt resolution of civil claims, family disputes, criminal charges, charges of juvenile delinquency, disputes between citizens and their government, and challenges to government actions;
- — supervises the administration of estates of decedents, considers adoption petitions and presides over matters involving the dissolution of marriages; and provides legal protection for children, mentally ill persons, and others entitled by law to the special protection of the law;
- — regulates the admission of lawyers to the bar and their conduct.

1.1 Court Structure

In New York State the courts of original jurisdiction, or trial courts, hear a case in the first instance, and the appellate courts hear appeals from the decisions of those tribunals.

The *appellate courts* are the Court of Appeals, the Appellate Divisions and the Appellate Terms of the Supreme Court, and the County Courts acting as appellate courts in the Third and Fourth Judicial Departments. The *trial courts of superior jurisdiction* are the Supreme Court, the Court of Claims, the Family Court, the Surrogates' Courts and, outside New York City, the County Courts.

The *trial courts of lesser jurisdiction* are the Criminal Court and the Civil Court of the City of New York and, outside New York City, the City Courts, District Courts and Town and Village Justice Courts.

The appellate structure of these courts is shown in Figures 1-a and 1-b.

Appellate Courts

The *Court of Appeals* is the highest court of the state, and is located in Albany. It consists of the Chief Judge and six Associate Judges. They are appointed by the Governor for 14-year terms, with the advice and consent of the Senate, from among persons found to be well-qualified by the State Commission on Judicial Nomination. Five members of the Court constitute a quorum, and the concurrence of four members is required for a decision.

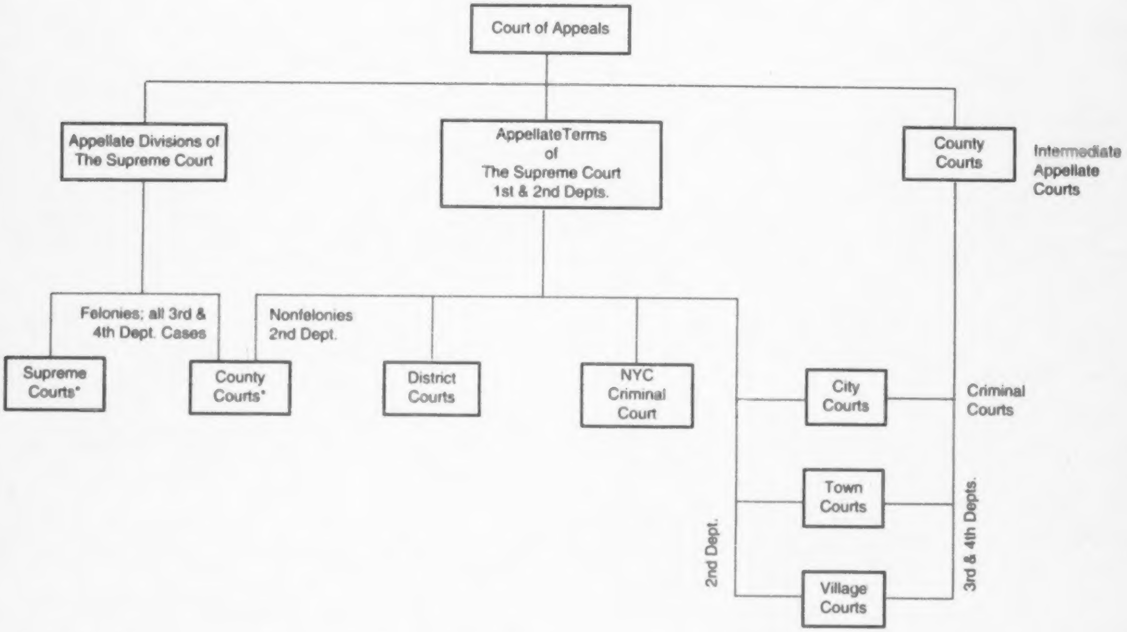
The Court of Appeals hears both civil and criminal appeals. The jurisdiction of the Court is limited by Section 3 of Article VI of the Constitution to the review of questions of law, except in a criminal case in which the judgment is of death, or a case in which the Appellate Division, in reversing or modifying a final or interlocutory judgment or order, finds new facts, and a final judgment or order is entered pursuant to that finding. An appeal may be taken directly from the court of original jurisdiction to the Court of Appeals from a final judgment or order in an action or proceeding in which the only question is the constitutionality of a state or federal statute. The Court also hears appeals from determinations of the State Commission on Judicial Conduct.

In other matters, the Constitution provides that certain cases can be taken to the Court of Appeals as a matter of right, while in still other cases, an appeal may be taken only with the leave or permission of the Appellate Division or the Court of Appeals.

Decisions of the Court of Appeals are final (cannot be appealed further) except that the United States Supreme Court may be asked to review cases involving questions of federal law or the United States Constitution. Rules governing the admission of attorneys to the bar are adopted by the Court of Appeals; rules governing attorney conduct are adopted by the Appellate Divisions.

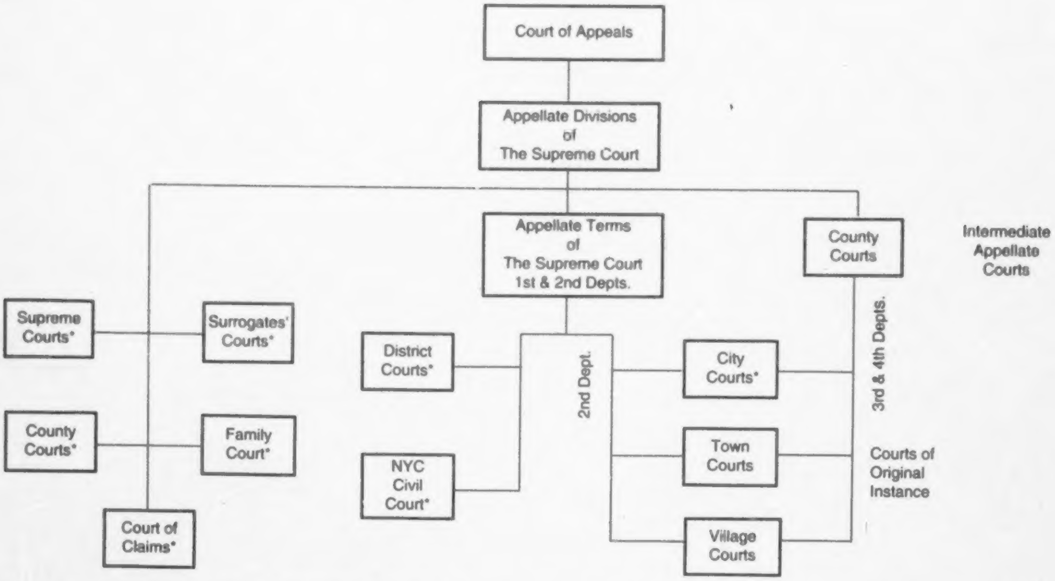
The *Appellate Divisions of the Supreme Court* are established in each of the state's four judicial departments (see the map at the beginning of this book). Their responsibilities are:

Figure 1a
NEW YORK STATE JUDICIAL SYSTEM
Criminal Appeals Structure



*Appeals involving death sentences must be taken directly to the Court of Appeals.

Figure 1b
NEW YORK STATE JUDICIAL SYSTEM
Civil Appeals Structure



*Appeals from judgments of courts of record of original instance that finally determine actions where the only question involved is the validity of a statutory provision under the New York State or United States Constitution may be taken directly to the Court of Appeals.

- Resolving appeals from judgments or orders of the superior courts of original jurisdiction in civil and criminal cases and reviewing civil appeals taken from the Appellate Terms and the County Courts acting as appellate courts.
- Conducting proceedings to admit, suspend, or disbar lawyers.

Each Appellate Division has jurisdiction over appeals from final orders and judgments, and from some intermediate orders, rendered in county-level courts, and has original jurisdiction over selected proceedings. Where established by the Appellate Division (currently in the First and Second Departments), *Appellate Terms* exercise jurisdiction over civil and criminal appeals from various local courts and non-felony appeals from the County Courts in the Second Judicial Department.

As prescribed by Section 4, Article VI of the Constitution, justices of the Supreme Court are designated to the Appellate Divisions by the Governor. The Governor designates the Presiding Justice of each Appellate Division, who serves for the length of his or her term of office as a justice of the Supreme Court. Associate Justices are designated for five-year terms or for the remainder of their terms of office, whichever period is shorter. Section 8 of Article VI of the Constitution provides that justices of the Appellate Terms shall be designated by the Chief Administrator of the Courts with the approval of the Presiding Justices.

Trial Courts of Superior Jurisdiction

The *Supreme Court* has unlimited, original jurisdiction, but it generally hears cases outside the jurisdiction of other courts, such as:

- Civil matters beyond the monetary limits of the lower courts' jurisdiction;
- Divorce, separation, and annulment proceedings;
- Equity suits, such as mortgage foreclosures and injunctions; and
- Criminal prosecutions of felonies and indictable misdemeanors in New York City.

Supreme Court justices are elected by judicial districts for 14-year terms.

The *Court of Claims* is a special trial court that hears and determines claims against the State of New York. Court of Claims judges are appointed by the Governor, with the advice and consent of the Senate, for nine-year terms.

The *County Court* is established in each county outside New York City. It is authorized to handle criminal prosecutions of offenses committed within the county, although in practice most minor offenses are handled by lower courts. The County Court also has limited jurisdiction in civil cases generally involving amounts up to $25,000. County Court judges are elected in each county for terms of 10 years.

The *Surrogate's Court* is established in every county and hears cases involving the affairs of decedents, including the probate of wills and the administration of estates, and adoptions. Surrogates are elected for terms of 10 years in each county outside New York City and for terms of 14 years in each county in New York City.

The *Family Court* is established in each county and the City of New York to hear matters involving children and families. The principal types of cases it hears include:

- Adoption
- Guardianship
- Foster care approval and review
- Delinquency
- Persons in need of supervision
- Paternity
- Support (spousal and child)
- Family offense (domestic violence)
- Child protective (abuse and neglect)
- Termination of parental rights
- Custody and visitation.

Family Court judges are elected for 10-year terms in each county outside New York City and are appointed by the Mayor for 10-year terms in New York City.

Trial Courts of Lesser Jurisdiction

Misdemeanors, violations and minor civil matters are generally processed in the trial courts of limited or lesser jurisdiction. These courts are also responsible for presiding over arraignments and other preliminary proceedings in felony cases.

The *New York City Civil Court* tries civil cases involving amounts up to $25,000. It includes a Small Claims Part and a Commercial Small Claims Part for the informal disposition of matters not exceeding $2,000, and a Housing Part for housing-code violations. New York City Civil Court judges are elected for 10-year terms. In addition to Civil Court judges, special Housing judges are appointed by the Chief Administrator for 5-year terms to sit in Housing Parts.

The *New York City Criminal Court* conducts trials of misdemeanors and violations. Criminal Court judges also act as arraigning magistrates for all criminal offenses. New York City Criminal Court judges are appointed by the Mayor for 10-year terms.

District Courts exist in Nassau County and in the five western towns of Suffolk County. District Court jurisdiction extends to civil cases involving amounts up to $15,000 and small claims, and to criminal cases involving misdemeanors, violations and offenses. The District Court may conduct preliminary hearings in felony cases.

District Court Judges are elected for six-year terms by voters in their districts; several districts of a District Court may be created within any county with at least one judge elected in each district.

City Courts outside New York City have criminal jurisdiction over misdemeanors and lesser offenses and civil jurisdiction to a maximum of $15,000. The judges in these courts also act as magistrates with the power to arraign and to issue warrants. Some City Courts have a small claims part for the informal disposition of matters not exceeding $2000, and a housing part for hearing housing violations and landlord/tenant disputes.

City Court judges are either elected or appointed; the term of office for full-time judges is 10 years and for part-time judges, six years.

The jurisdiction of *Town Courts and Village Courts* in criminal cases includes violations and misdemeanors. In civil cases, the jurisdiction of Town and Village courts includes amounts up to $3000. The Constitution requires that Town Court justices be elected for four-year terms. The Legislature, through the Village Law, requires that village justices be elected for four-year terms. Town Courts and Village Courts are locally funded.

(See Table 1 for the authorized number of judges in the State Judiciary.)

The civil courts of limited jurisdiction in 31 counties (except town and village courts) are making use of *compulsory arbitration* by panels of lawyers to resolve minor civil disputes, that is, civil actions where the amount sought is $6,000 or less in courts outside New York City and $10,000 or less in New York City courts.

1.2 Court Administration

Section 28 of Article VI of the State Constitution provides that the *Chief Judge* of the Court of Appeals is the Chief Judge of the State and its chief judicial officer. The Chief Judge appoints a *Chief Administrator of the Courts* (who is called the Chief Administrative Judge of the Courts if the appointee is a judge) with the advice and consent of the Administrative Board of the Courts. The *Administrative Board* consists of the Chief Judge as chair and the Presiding Justices of the four Appellate Divisions of the Supreme Court.

The *Chief Judge* establishes statewide administrative standards and policies after consultation with the Administrative Board of the Courts and promulgates them after approval by the Court of Appeals.

The Chief Judge and the Chief Administrator also rely on many advisory groups in meeting their administrative responsibilities; among these are the Judicial Conference, the Advisory Committee on Civil Practice, the Advisory Committee on Criminal Law and Procedure, and the Family Court Advisory and Rules Committee.

The Chief Judge, the Chief Administrator or the Administrative Board also have established other committees or commissions, such as: the Franklin H. Williams Judicial Commission on Minorities, the Permanent Judicial Commission on Justice for Children, the New York Judicial Committee on Women in the Courts, the Ethics Commission for the Unified Court System, the Pro-Bono Monitoring Committee, the Criminal Jury Instructions Committee, and the Advisory Committee on Judicial Ethics.

The *Chief Administrator*, on behalf of the Chief Judge, is responsible for supervising the administration and operation of the trial courts and for establishing and directing an administrative office for the courts, called the Office of Court Administration (OCA). In this task, the Chief Administrator is assisted by two Deputy Chief Administrative Judges, who supervise the day-to-day operations of the trial courts in New York City and in the rest of the state, respectively; a Deputy Chief Administrator, who supervises the operations of the units that make up the Office of Management Support; and a Counsel, who directs the legal and legislative work of the Counsel's Office.

The *Office of Management Support* provides the administrative services required to support all court and auxiliary operations. These services include personnel and fiscal management; data processing and data services; operational services; educational programs for judges and nonjudicial personnel; internal and external communications; employee relations; equal employment opportunity programs; the Office of the Inspector General; court security services; libraries and records management; and the Community Dispute Resolution Centers Program.

Counsel's Office prepares and analyzes legislation, represents the Unified Court System in litigation, and provides various other forms of legal assistance to the Chief Administrator of the Courts.

Responsibility for on-site management of the trial courts and agencies is vested with the *Administrative Judges*. In each upstate judicial district, there is a District Administrative Judge who is responsible for supervising all courts and agencies. In New York City, Administrative Judges supervise each of the major courts, and the Deputy Chief Administrative Judge provides for management of court agencies within the City. The Administrative Judges manage court caseloads and are responsible for general administrative functions, including personnel and budget administration.

The *Court of Appeals and the Appellate Divisions* are responsible for the administration of their respective courts. The Appellate Divisions also oversee several Appellate Auxiliary Operations: Candidate Fitness, Attorney Discipline, Assigned Counsel, Law Guardians, and the Mental Hygiene Legal Service.

Article 7-A of the Judiciary Law implements the constitutional provisions on the administrative supervision of the court system. Sections 211-213 of Article 7-A of the Judiciary Law set forth the administrative functions of the Chief Judge, the Chief Administrator, and the Administrative Board. (See Figure 2.)

1. 3 Court Finances — Recent Budget and Fiscal Developments

Since 1977, pursuant to the Unified Court Budget Act, funding for the operating costs for all New York State county-level, District and City Courts has been a State government responsibility. The costs of providing facilities for these trial courts, broadly defined to include the construction and renovation of the facilities as well as their maintenance and operation, have remained a local government obligation. The State, however, does provide aid to subsidize the cost of borrowing money for court improvements, and maintenance and operation aid for upkeep, utilities and preventive maintenance.

In the 1991-92 fiscal year, the New York State Judiciary appropriation was reduced by $34.3 million below the level needed to maintain operations. To address that significant shortfall, cost control measures were immediately taken, including cutbacks in such areas as legal reference materials, where all new purchases and replacement volumes were eliminated. Equipment purchases were not authorized except for extreme emergencies. Education and Training programs were suspended and expenditures for travel, supplies, arbitration and Small Claims Assessment Review hearing officers were severely curtailed. Utilization of Judicial Hearing Officers to support case processing also was reduced.

Because over 90% of the court system's budget is personnel costs, a significant reduction in nonjudicial staff also was required. This staff reduction was met through a hiring freeze, displacement of provisional employees, and layoffs. Additionally, a freeze on promotions, reclassifications and reallocations was imposed. Personnel cutbacks led to the closing of civil court parts and severe service cutbacks in Surrogates' Courts, court-related agencies and administrative offices.

Due to the severity of the underfunding, the Judiciary sought relief in the form of a lawsuit to compel the Legislature and the Governor to provide the Judicial Branch with the reasonable and necessary funding to meet constitutional and statutory obligations. An agreement to settle the lawsuit was reached in January, 1992. Under that agreement, the Judiciary budget for 1992-93 was funded at $893 million. Additionally $15 million in cost savings measures were to be enacted. This funding allowed the courts to return to normal operations, including the rehiring of laid off employees and the phased-in filling of nonjudicial positions that had become vacant during the fiscal crisis.

$10.6 million in cost saving and revenue generating measures were enacted and these included:

- —Measures authorizing the use of Judicial Hearing Officers to process Compulsory Arbitration and Small Claims Assessment Review Cases.
- —Authorization to permit electronic mechanical recording of testimony in lieu of stenographic minutes in Surrogate's Court and the Court of Claims.
- —Creation of a Special Revenue Offset Fund for deposit of the proceeds of an incremental increase in fees generated by furnishing criminal history search information.
- —Creation of a Special Revenue Offset Fund to capture certain fee increases in the County Clerk's Offices. The monies in this fund will be used to meet the operating budget of NYC County Clerk operations.
- —Elimination of a requirement that noncomplying jurors be notified by certified mail.

In April 1992, when the agreed-on budget funds became available, the employees who had been laid off were rehired, and courts resumed regular hours of operation and began to address the multitude of problems and backlogs created by the fiscal crisis.

1.4 Program Highlights

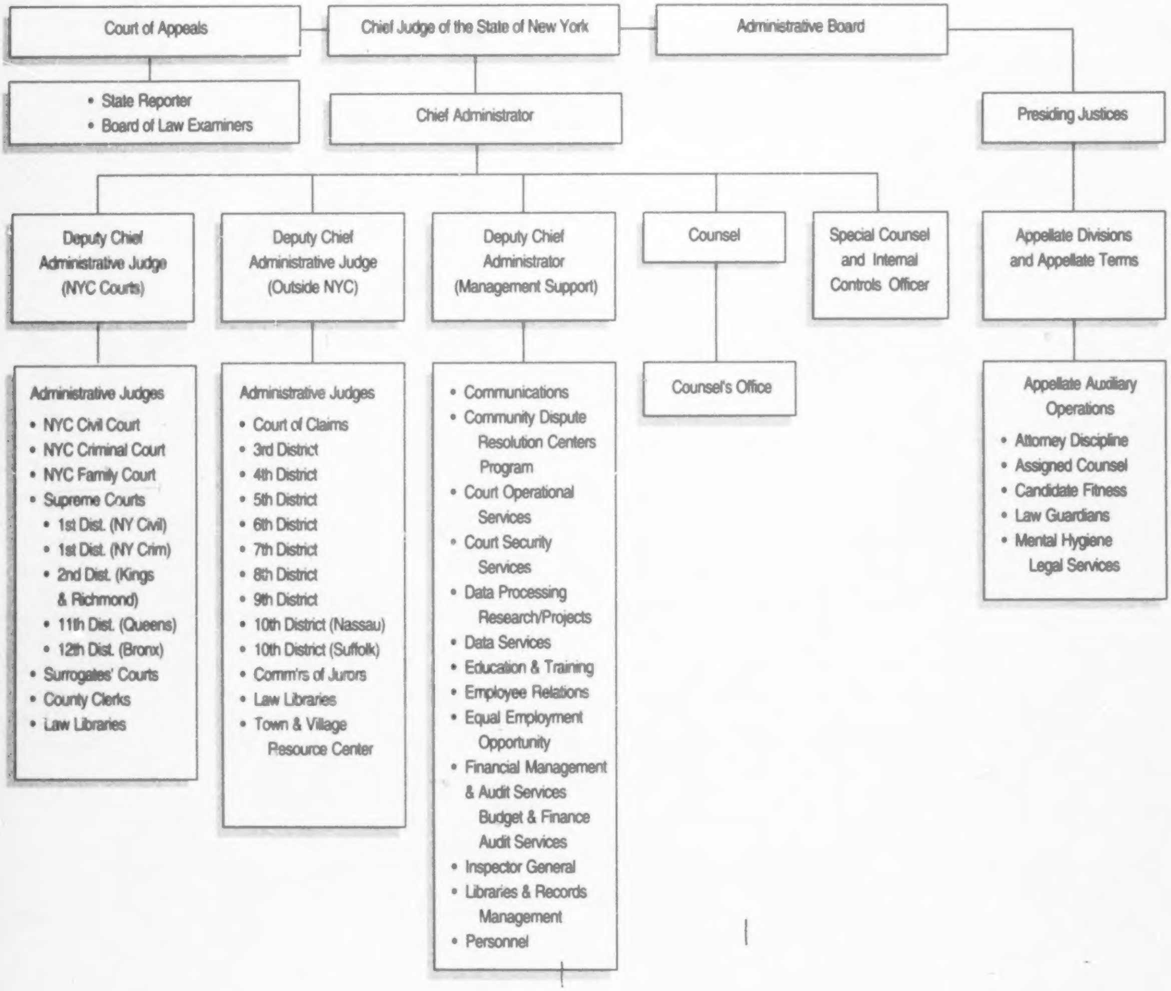
1.4.1 Caseload Activity

There were 3,743,232 new cases filed in the trial courts of the Unified Court System in 1992. Of these, 3,425,624 filings reached court calendars. Excluding parking tickets, there were 2,831,175 filings. The breakdown by court type was as follows: 37% (1,042,534) were filed in criminal courts; 38% (1,081,264) in civil courts; 21% (586,770) in the Family Courts; and 4% (120,608) in the Surrogates' Courts.

Dispositions in the trial courts during 1992 totaled 3,413,590. Excluding parking tickets there were 2,819,142 dispositions. The breakdown by court type was as follows: 36% (1,023,225) were disposed in criminal courts; 39% (1,096,646) in civil courts; 21% (591,441) in the Family Courts; and 4% (107,830)in the Surrogates' Courts.

Caseload Trends: In 1992, over 3.7 million cases were filed and over 3.41 million cases were disposed in the trial courts of the Unified Court System. During the last five years, sharply increasing caseloads and resource limitations have challenged the courts as never before.

Figure 2
UNIFIED COURT SYSTEM
Administrative Structure



Criminal caseloads: During 1992 a tremendous volume of caseload activity confronted the Judiciary's judges and nonjudicial personnel. Nearly 77,000 felony indictments and superior court informations were filed in Supreme and County Courts throughout New York. That number represents a 51% increase compared with 1985. Most of the statewide increase was the result of caseload increases in New York City. In 1992, the Supreme Court, Criminal Term in New York City received over 50,000 felony filings, a 65% increase since 1985. The high level of felony filings is caused primarily by increases in drug-related filings.

Outside New York City, increases have also been seen in criminal caseloads, with felony filings reaching more than 26,000 this year. Between 1985 and 1992, felony filings in the Oneida County Court have increased 79%, in Westchester County Court, 48%, in Broome County Court, 43%, and in Monroe County Court, 39%. Since 1979, criminal filings in City and District Courts have increased 30%, most of it in the last few years. From 1985 to 1992, criminal filings in the White Plains City Court increased 107%; in the Syracuse City Court, 82%; and in the Yonkers City Court, 46%. During 1992 alone, there were over 265,000 criminal cases filed in the New York City Criminal Court. These caseload increases are the product of the drug crisis which threatens to test the court's ability to administer justice on the local level, not just in New York City, but statewide.

Family Court caseloads: Between 1982 and 1992 the number of new cases involving neglect and abuse of children increased by 180% statewide and more than tripled in New York City. Many of those cases return to the courts repeatedly as indicated by the increase from 25,000 to 30,000 in the number of violations or modifications of child protective orders in New York City between 1990 and 1992.

Family offenses also have increased. Between 1985 and 1992, the number of filings involving family offenses increased by 22%. This year, there were over 50,000 such cases in the Family Courts statewide.

Courts are also experiencing increases in the complexity of the problems presented to the court in these cases. In the past, most neglect cases involved parents who failed to attend to children's educational needs or who otherwise lapsed in their supervision. Now, neglect cases frequently involve drug-addicted parents who have abdicated all responsibility for an infant. Last year, the foster care population in New York State reached 63,000; only six years earlier, the number of children in foster care was 27,000.

In addition to the needs of young children, the Family Courts have had to contend with huge increases in delinquency proceedings. Between 1987 and 1992 the delinquency caseload increased by 39% statewide. Much of that increase has occurred outside New York City, where the number of delinquency cases rose by over 57% during that period.

Family Court continues to be confronted with extremely large caseloads. In 1992, total caseloads increased 11% in New York City and 9% statewide since 1990. Including the filing of supplementary petitions concerning violations and modifications, total overall filings exceeded 586,000. Cases involving custody, paternity and support account for over two-thirds of the overall caseload and have increased 12% since 1990.

The dramatic effects of the drug crisis on the Family Courts caseload will require strengthened efforts to provide the resources and support services necessary to allow for meaningful solutions to the very complex problems brought to the Family Court.

Civil caseloads: For 1992, filings of new civil cases in the Supreme Court statewide reached almost 172,000, an increase of 7% over the 1990 level, a year in which Supreme Court civil filings rose to a new high. Over the last three years, filings of new civil cases statewide increased by 14%. In the New York City Supreme Court, civil filings this year reached 79,594, an increase of 12% over 1990 and of 21% over 1989.

The New York City Civil Court, to which thousands of citizens turn for help without legal representation, experienced unparalleled caseloads during 1992. By the end of this year, filings for the Court reached a total of almost 600,000 cases.

1.4.2 Standards and Goals

Since 1975, the Unified Court System's Standards and Goals have provided performance measures for the courts for elapsed time to disposition for felony cases in the Supreme and County Courts, civil cases in the Supreme Courts and for proceedings in the Family Courts.

Felony Cases: The standard is disposition within six months from filing of indictment, excluding periods when a case is not within the active management control of the court (e.g. warrant outstanding). During 1992, 83% of felony case depositions statewide were achieved within the six-month standard.

Civil Cases: The standard is disposition within 15 months from the filing of note of issue. During 1992, 78% of note of issue dispositions statewide were achieved within this standard, despite the fiscal crisis which compromised the performance levels of the courts.

Family Court: The standard is disposition within 180 days of the commencement of the proceeding, excluding periods when a case is not within the active management control of the court (e.g. warrant outstanding). During 1992, 96% of dispositions statewide were reached within the standard.

1.4.3 Civil Caseloads and the Fiscal Crisis

From 1988 through 1991, there was a 25% increase in new case filings in the Civil Term of Supreme Court and an 11% increase in notes of issue filed. Accompanying the increase in new case filings during this period was a 21% increase in motions. New filings increased 2.4% in 1992, from 167,809 in 1991 to 171,813. In New York City, filings were up 5.3% and totaled 79,594.

Prior to the fiscal crisis, the civil courts were making progress in managing these increased caseloads and realizing some gains in productivity. At the end of 1990, before the 1991 fiscal crisis, there were 237,000 new cases pending in Supreme Court, excluding uncontested matrimonials, and approximately 146,000 cases were disposed of each year. The 380-day average time period between the filing of a note of issue and disposition of a case remained unchanged, despite the increase in case filings and notes of issue. In addition, the percentage of cases pending over the 15 month standards and goals period actually decreased from 21% in 1988 to 19% in 1991.

Much of this progress was reversed by the fiscal crisis. In July 1992, the number of notes of issue pending in Supreme Court exceeded 60,000 for the first time since 1979. In New York City, the number reached 26,641, the highest number since 1977. Outside New York City, the number climbed to 33,559 after dipping to a low of 27,000 during the 1989 and 1990 period. The number of notes of issue pending over the 15 month standards and goals period reached 11,512, the highest level since 1988 and a figure 33% higher than the July 1991 figure.

In July 1992, the number of cases pending totalled 278,996, nearly 10,000 more than at the end of 1991 and 82,000 more than in 1988. This, coupled with the budget cutbacks and judicial vacancies, increased the average number of pending cases per judge from 755 in 1990 to over 900 cases per judge in July 1992. Trial capacity also declined 8% statewide. For cases disposed of in 1992, the time from filing of a note of issue through disposition increased significantly from the 380-day average reported between 1988 and 1991, to 405 days.

Other civil courts, including City Courts outside New York City and the District Courts, also have experienced substantial caseload growth during the last eight years.

1.4.4 Individual Assignment System Review

In view of the increasing burdens on the civil justice system and the particular strains of the past fiscal year, a special committee was appointed to undertake a comprehensive review of the Individual Assignment System (IAS). Designed to promote faster resolution of cases by providing for judicial intervention at the earliest possible time, the Individual Assignment System was implemented in the Supreme Court statewide in January 1986.

IAS changed the manner in which cases are managed. Prior to IAS, judges rarely intervened in the progress of a case until the parties had completed discovery and, unable to resolve the matter, filed a note of issue seeking a trial. Under IAS, a case is assigned to a judge at the time of filing a request for judicial intervention. The case remains with that judge through discovery and settlement discussions, to the filing of a note of issue and trial if necessary.

Proposals of the Review Committee on IAS: Based on input from the bench and bar, its own appraisal of IAS operations and empirical data, the Review Committee found that IAS demonstrated vitality and strength as a case processing system and made recommendations to build upon the success of the IAS. The committee also made recommendations to address areas of concern and suggestions for improvement raised by the bench and the bar.

Changes recommended for implementation on January 1, 1993 include the following:

Case Processing

Preliminary Conferences: The current court rule would be changed to require that preliminary conferences be scheduled automatically 45 days after a request for a conference or a disclosure motion is made, unless the parties complete and submit an agreed-upon disclosure schedule. Under the amended rule, attorneys would be encouraged to work together to obviate the need for many preliminary conferences, while cases truly warranting conferences before a judge would proceed in a timely manner.

Uniform Procedures: Motion Practice - Under revised procedures to be incorporated in the Uniform Rules motions would be submitted to the court and then set down for argument only if the judge so directs. The committee found that oral argument or appearance is not necessary for every motion and recommended that an appearance be scheduled only if the court, after review of the papers, believes that oral argument would be helpful in elucidating the issues; if the court intends to rule from the bench; or if other action, such as holding a conference to discuss settlement, is contemplated. Judges also were urged to increase the use of informal motion resolution practices and telephone conferences.

Court Appearances: In the area of scheduling, in order to decrease waiting time for lawyers and litigants, it was recommended that cases would be scheduled for conferences in blocks. This would replace the current method of scheduling in high-volume courts, where as many as 50 or 60 case conferences may be scheduled at the same time (usually at 9:30 a.m. and/or 2:30 p.m.) on a single day.

Motions for Summary Judgment: Based on the committee's finding that motions for summary judgment made on the eve of trial often unnecessarily delay proceedings, legislation was recommended amending the Civil Practice Law and Rules to give judges discretion to determine whether or not to entertain a motion for summary judgment made later than 60 days after the filing of a note of issue.

Trial Assignment Methods

The Committee recommended that the Administrative Judges, in consultation with judges and the bar, make a *de* *novo* review of the current caseload in the particular district or court to determine whether and in what form a back-up trial system should be implemented. In jurisdictions with multiple parts and significant discrepancies in judges' inventories, the Administrative Judges would be asked to consider the use of dual track (the assignment of back-up judges for trial-ready cases if the IAS judge is unavailable) or a Trial Assignment Part (TAP) system (in which all trial-ready cases are pooled and sent out to available judges for trial). The criteria for determining which of these trial assignment methods should be used are set forth in the committee's report.

Case Tracking

Specialized Parts: Specialized commercial and matrimonial parts were recommended to be established in appropriate jurisdictions. The committee ~~recommended~~ their use when the following criteria would be met: efficiency of operation; consistency in disposition; development of desirable expertise; and, in some instances, accommodation for a specialized bar.

Modified Standards and Goals: To more effectively evaluate IAS case progress, the current Unified Court System Standards and Goals guidelines were recommended for consideration by a committee to include a time standard for pre-note of issue case processing.

Differentiated Case Management: It was recommended by the Committee that the Chief Judge and the Chief Administrator designate a panel to study, evaluate and submit recommendations on the possibility of introducing a system of differentiated case management in the New York State courts. Under this system, civil cases would be "tracked", not by case age, but by the complexity of the case and the level of judicial case management required to bring the case to trial or disposition.

Case Management Practices

Jury Selection: The Committee recommended that the Chief Judge and Chief Administrator consider issuing specific guidelines governing the juror selection process. These guidelines, to be incorporated into the Uniform Rules, would create a standardized process that reduces delays to the greatest extent possible consistent with the requirements of the CPLR and the needs of the parties to select an unbiased jury.

Automation: Efforts to provide judges with personal computers in chambers for case management purposes would increase, as would training in modern computer technology.

Other Case Management Practices: The committee also recommended the regular "purging" of inactive cases from IAS inventories and the increased use of self-executing orders by IAS judges.

The Unified Court System has received favorable comments on the Review Committee's report and, based on these comments and its own evaluation, intends to adopt the Committee's proposals effective January 1, 1993. Each Administrative Judge is now drawing up plans to implement applicable proposals in the respective jurisdiction.

1.4.5 Legislative Mandates

Significant changes in law have added to court procedures and workload in recent years, particularly in the Family and City and District Courts.

Support Related Cases in Family Court: In response to the Child Support Enforcement Act of 1984, the State passed Chapter 809 of the Laws of 1985 — New York State Support Enforcement Act, which established the Family Court Hearing Examiner Program. This law authorized Hearing Examiners to hear and determine matters related to support and paternity, freeing the judges to hear other case types such as abuse, neglect, family offense and delinquency. The addition of the Hearing Examiners helped reduce the backlog of support-related cases and allowed the courts to meet federal guidelines for disposition timeframes of 90% within three months, 98% within six months and 100% within one year. Meeting these disposition guidelines permits the State to receive reimbursement for approximately 66% of eligible costs.

Effective in 1990, section 103 of the federal Family Support Act (FSA) required each state to establish procedures for the periodic review and modification of support orders that are enforced pursuant to Title IV-D of the Social Security Act (SSA) and Title Six-A of Article 3 of the Social Service Law (SSL). When modification of such support orders is warranted, changes are made in accordance with guidelines set forth in the New York State Child Support Standards Act (CSSA) (Chapter 567 of the Laws of 1989). This act requires the collection and reporting of the parties' income data, the application of a formula in most cases for the determination of child support, and the reporting of statewide data concerning awards of child support, alimony, maintenance and property allocation for all final orders originating in Supreme and/or Family Court which provides for child support. Not surprisingly, this law has increased the volume and complexity of support cases. Support-related cases, which had risen 54% between 1985 and 1991, increased 32% between 1989 and 1991.

Effective October 13, 1993, or earlier at state option, states are required to implement a process whereby support orders enforced pursuant to Title IV-D of the SSA will be reviewed within 36 months after the establishment of the order, or the most recent review of the order, and will be modified in accordance with the CSSA, if appropriate.

Section 103 of the FSA effectively requires that orders affecting children in receipt of ADC, entered or last modified before October 13, 1990, be reviewed *before* October 13, 1993. The Department of Social Services notes that as of January 1991, there were more than 295,000 support orders enforced pursuant to Title IV-D of the SSA and Title Six-A of Article 3 of the SSL. By 1993, as many as 400,000 support orders enforced pursuant to these statutes will be subject to the requirements of Section 103 of the FSA.

City and District Courts - Stop-DWI Legislation; Uniform civil monetary limits: Stop DWI legislation has required extensive case preparation, certification and reporting procedures. New and increased DWI fines have increased the revenue collection and reporting workload of the City and District Courts. Uniform City Court monetary limits, established pursuant to Chapter 397, Laws of 1988, rose from $10,000 to $15,000 in 1991. These revised uniform civil monetary limits are expected to increase caseloads, especially in the smaller city courts.

City and District Courts - Commercial Small Claims; Nassau County Traffic and Parking Violation Bureau: In 1989, legislation was enacted requiring that commercial small claims parts be established in City and District Courts outside of the City of New York to hear actions of up to $2,000 brought by corporations. This legislation took effect in New York City in 1991. A total of 4,902 commercial claims cases were filed in 1991. Chapter 760 of the Laws of 1990 requires daytime small claims parts in the New York City Civil Court to permit greater access to these *pro se* parts by the elderly and disabled. Also approved in 1990, Chapter 496 permits Nassau County to establish a traffic and parking agency to administer and dispose of traffic and parking violations. The new law also requires that where trials for traffic and parking infraction are authorized, Judicial Hearing Officers shall be authorized in the District Court to conduct such trials.

Surrogates' Courts - Guardianship and Adoption Cases: Changes in law have also increased the work of the Surrogates' Courts. Paragraph one of subdivision (a) of Section 2-1.3 of the EPTL and the addition of subdivision (2) of Section 117 of the Domestic Relations Law expanding the rights of adopted children to inherit from their natural families have increased the work of the Probate and Accounting departments and administration. Section 1704 of the Surrogate's Court Procedure Act (SCPA) was amended and Section 1706 of the SCPA was similarly amended to require the court to get information from the Department of Social Services concerning child abuse, thereby adding to the Guardianship and Adoption workload. The addition of section 453-a of the Social Services Law relating to adoption expenses incurred after January 1, 1987, in connection with the adoption of a child with special needs has increased the work of the Adoption departments. Chapter 269 of the Laws of 1990, which amends Section 1.03(22) of the Mental Hygiene Law and Section 1750-a of the SCPA to increase from 18 to 22 the age by which a persons's developmental disability must originate for purposes of a court's authority to appoint for such person a guardian of the person or property, is expected to increase guardianship workload within the Surrogates' Courts. Chapter 227, Laws of 1991, abolished the office of Surrogate in Cattaraugus County and created in its place a new county level judgeship that will service County, Family and Surrogates' courts.

Jury System: Chapter 473 of the Laws of 1988 amended the Judiciary Law to improve the fairness, efficiency and responsiveness of the New York State jury system. This law reformed the statutes related to jury service by (i) providing for a uniform $15 per diem allowance, effective April 1, 1989; (ii) extending the juror disqualification period from two to four years; (iii) limiting the duration of juror service; and, (iv) establishing special enforcement procedures for juror attendance. While these changes have greatly benefitted the public, the law's shortened term of service and rules for dealing with juror noncompliance have added substantial work to the Commissioner of Jurors' Offices.

Legislation has also been passed to regulate the payment of per diem fees to certain jurors in order to limit state expenditures. Chapter 62 of the Laws of 1989 excluded New York State and local government employees from entitlement to the per diem allowance. Chapter 166 of the Laws of 1991 amended Sections 519 and 521 of the Judiciary Law by requiring employers of jurors who work in companies with more than ten employees to provide compensation during the first three days of service equal to the $15 per diem fee. Also, any employee receiving regular wages during jury service is not entitled to the per diem allowance.

1.4.6 Management Initiatives

The Judiciary remains committed to making court operations more effective and efficient. Planning, technological improvements, employee development programs, and case management initiatives have resulted in more efficient, productive and cost-effective case processing, support services delivery and court system administration.

Case management initiatives, including the Individual Assignment System (IAS); Specialized Civil and Criminal Parts; judicial transfers; increased part availability to facilitate the arraignment process in the New York City Criminal Court; and special "crack parts" in the Housing Court, have enabled the courts to conclude more cases more quickly than ever before.

The Judiciary's management initiatives also include publication of uniform standard procedures manuals for all trial courts; enhanced information and records management through centralized computer applications; local court PC-based computer network applications, distributive processing and document image processing; training and education programs for judges, justices, managers and the nonjudicial workforce; and a Workforce Diversity Program that is expanding opportunities for women and minorities and promoting a representative and culturally sensitive workforce.

Jury Management: A program to utilize jurors more efficiently was initiated in the Unified Court System in 1982. The program measures juror utilization rates and it is one of the most comprehensive of any state court system in the United States. It has been in effect in every county since January 1987.

Two principal utilization measures are included in this program. The first is "overcall", defined as the percentage of jurors in service but not in use in voir dire or trial at the point of peak daily juror usage. The second is "percent to voir dire", defined as the percentage of prospective jurors in service reporting to the pool who are sent to voir dire. The data from the program shows sharp improvements from the 1983 overcall and percent to voir dire rates.

The jury system, which was one of the first automated systems, is the most extensively automated function within the Unified Court System. An ambitious plan to automate jury system operations in all 62 counties was begun in the mid-1980's and completed in 1989. The mainframe-based Jury Management System has successfully handled over four million juror notices and one million jurors each year. In addition to implementing a statewide computer system, the length of jury service has been reduced to one week and the frequency of service was reduced to once in four years to bring more citizens into the process and make it easier for them to serve.

New challenges face the jury system, including the need to encourage maximum participation by all citizens. To meet this challenge, the Unified Court System plans to increase enforcement of jury notices and install equipment to allow for local automated processing of jury qualification questionnaires and summonses. In order to improve juror outreach with a minimum of additional resources, funds were requested to enhance the mainframe-based automated jury system to incorporate a distributed environment where local microcomputer networks handle most of the processing. The local units will be equipped with bar code scanners of the type currently used by many retail establishments to speed the entry of information into the computer. The installation of this equipment will have the triple benefit of allowing the Unified Court System to reach a wider spectrum of citizens for jury service, increasing its efficiency and relieving the overburdened mainframe computer.

Reform of the Jury Selection Process: In recent years, the level of participation in the jury process has declined. This decline is attributable in part to the large number of jurors who fail to respond to juror qualification questionnaires, or who seek repeated postponements. It also is due to a lengthy list of statutorily authorized exemptions from jury service provided in current law. Data gathered by the State Commissioners of Jurors indicates that statutory exemptions automatically eliminate between 600,000 and 1,200,000 citizens from service annually. The effect of these exemptions is to increase the frequency with which others must serve. We will propose legislation, as we have in prior years, to eliminate, or at least reduce, the number of statutory exemptions now available.

The Judiciary will continue to take steps to enforce jury service laws and to minimize the extent to which there is noncompliance with jury summonses and requirements for the completion of qualification questionnaires. In this regard, the court system's efforts will be assisted by recent amendments to section 527 of the Judiciary Law, which render the jury laws enforcement mechanisms more cost effective. Outreach efforts also will be enhanced to the community by encouraging the bench and bar and others in the justice community who frequently speak in schools and in other public settings to emphasize the role the jury system plays in protecting rights and to increase public participation in the system.

Broad public participation is essential in fulfilling the statutory mandate that the jury system represent a cross-section of the community. Accordingly, the court system has taken an active role in facilitating greater participation by assuring that jury pools contain all eligible citizens. A major effort in this area was the statewide automation of the jury system in the late 1980s. The most significant benefit of this undertaking was that it allowed for the use of three source lists — voter registrants, licensed drivers and income taxpayers — rather than a single voters-only list used under the former manual system. Use of the additional source lists increased coverage of the jury age population from 57% with the voters-only list to 90% with use of three lists. A second benefit realized was greater efficiency and economy in the processing of juror qualification questionnaires, jury summonses and juror fee payments.

Task Force on Jury Service: In its 1991 report, the Judicial Commission on Minorities concluded that the source lists currently used in New York to create the jury pool do not yield sufficient minority representation in jury pools. The Commission recommended the use of additional source lists to ensure the inclusion of minorities in jury pools in proportion to their numbers in the population. That recommendation was echoed by some bar associations and in newspaper articles.

To ensure that the jury system is representative, inclusive and accessible and to explore further the issues raised by the Commission, the Chief Administrator designated an internal task force to examine the feasibility of using additional source lists and to recommend procedures to encourage the inclusion of all citizens in the jury process.

Legislative Proposals:

The following measures were proposed in 1992:

Amend the Criminal Procedure Law to reduce the number of peremptory challenges permitted in criminal cases: when one defendant is tried, to 15 for Class A felonies, 12 for Class B and C felonies, and eight for all other cases, except where, for good cause shown, the court may allow a limited number of additional peremptory challenges.

Permit the use of anonymous juries and the rendering of 11-juror verdicts under strictly limited circumstances to deal with difficult long-term cases, often involving organized crime or large-scale drug trafficking, through statutory and constitutional changes.

Authorize criminal courts, in their discretion, to permit a deliberating jury to separate temporarily,

including overnight and on weekends and holidays. For years, many throughout the State have agreed that elimination of mandatory sequestration would encourage voluntary jury service, reduce the potential for hasty verdicts, and save significant public expense, with no adverse impact on the administration of justice.

Merge the State's trial courts: There is a pressing need to bring about a consolidation in the court system through the merger of the States trial courts. This would eliminate unnecessary jurisdictional restrictions, save time and permit more efficient utilization of staff and, consequently, save money.

Merger also would enable courts to provide more comprehensive relief in each case. Under the current patchwork system of trial courts, litigants are often shunted from one court to another. For example, litigants often go from lower civil courts to Supreme Court where certain equitable relief, beyond the power of the court to grant, is sought and from the Court of Claims to Supreme Court where litigation in the former requires a jury trial. A merger would eliminate such inconveniences, while greatly assisting judges in dealing more effectively with their crushing caseloads.

Trial court merger also would eliminate the constant need to temporarily assign judges from one court to another. At any one time, approximately one-half of the judges of the Civil and Criminal Courts of the City of New York must be assigned as Acting Supreme Court Justices. Those judges, many of whom serve long and distinguished careers in the Supreme Court, are ineligible for designation to the Appellate Division of the Supreme Court. Their talents as appellate judges are thereby lost.

Court merger has the support of the overwhelming majority of judges and nonjudicial personnel, as well as bar associations and good government groups in every part of the State.

Nonpartisan Selection of Judges: New York State has an excellent record of producing outstanding judges. Despite this record, the process by which many of our judges are selected is far from ideal. Political party leaders who dominate the partisan election process sometimes grant or withhold party endorsement for reasons that have no bearing on fitness for judicial office. This threatens the independence of the Judiciary, contributes to a public misperception of its function, and diminishes public faith in the quality of its judgments.

The court system's leaders continue to believe that the appointment of judges after nomination by a nonpartisan commission on judicial nomination, as now applies to the Court of Appeals, is a better system. It would take the selection of judges out of the partisan political arena. It is recognized, however, that many members of the Legislature prefer to maintain an elective system of choosing some trial judges. Consequently, it is proposed that even if the elective system is retained, an element of nonpartisan selection be added to it. In an elective system, nonpartisan screening panels in each judicial district should review the qualifications of all prospective candidates. No candidate would be eligible for election unless he or she was found well qualified for judicial office. This proposal meets both the desire that the elective system be retained and the concern that only well-qualified judicial candidates be elected.

Retention Election of Judges: The Judiciary again submitted to the Legislature a proposed concurrent resolution to amend the State Constitution to permit incumbent judges in elective positions in the major trial courts to seek reelection, following review by a judicial district-wide nonpartisan screening panel, through an uncontested retention election.

Other Legislative Proposals: The management and productivity initiatives implemented throughout the court system have enabled the courts to handle and conclude more cases, more quickly. But there is a limit to what case management methods can accomplish. To produce a more effective justice system, legislative changes are needed. Towards that end, the court system continues to seek passage of legislation to streamline and expedite case processing. Among the legislative proposals made are:

Speedy Trial Law: to require that all felonies, other than homicides, be tried within 90 days of indictment. Another proposal would ensure that speedy trial protections are applied to juvenile offenders when a proceeding is moved from Supreme to Family Court.

Streamlined Discovery: for stricter time limits for pretrial motions and exchange of information.

More Assigned Counsel: to attract more assigned counsel by increasing their reimbursement to a flat $50 per hour for all trial work, from the current $25 per hour for out-of-court work and $40 for in-court work.

Grand Jury Reform: to permit prosecutors to file superior court informations supported by witness depositions, rather than presenting each case to a grand jury.

Judicial Hearing Officer Reform: to permit carefully screened retired judges to conduct arraignments, freeing up Criminal Court judges for trials.

Misdemeanor Trial Law: the repassage of this law to permit non-jury trials in certain cases.

Presentence Reports: to require a full Probation Department presentence report only if a defendant is to be sentenced to six months or more in jail.

Felony Complaints: to require that felony complaints either be sent to the Grand Jury or reduced to a misdemeanor within 90 days of defendant's arraignment.

Family Proceedings Measures: to more effectively handle cases of aggravated abuse and provide housing as an alternative to foster care.

Civil Proceedings Measures: the liberalization of disclosure to reduce unnecessary motion practice and to expedite litigation in the pre-note of issues stage; accrual of interest in personal injury cases and a number of procedural changes that will encourage settlements and expedite movement to trial.

Divestiture of Essentially Non-criminal Matters from Criminal Courts: including summons cases in New York City and parking and minor traffic matters.

New York City Criminal Court Summons Cases: Another initiative designed to streamline case processing involves the creation of a Universal Summons Bureau in New York City. The Task Force on Civilian Initiated Complaints has proposed the creation of this Bureau which would adjudicate non-Penal Law misdemeanors and non-printable offenses, regardless of the statutes or ordinances by which they are defined.

Last year, over 190,000 cases filed in the New York City Criminal Court were non-arrest or "summons" cases. Principally, these cases involved civilian-initiated private prosecutions; "quality of life" offenses generally involving minor assaults or disorderly behavior; and, administrative regulatory offenses usually prosecuted by enforcement agents of the New York City Building, Fire or Transportation Departments.

Given the dramatic numbers of non-summons case filings, and the limited judicial and non-judicial resources available to the Criminal Court, the time has come for the Court to divest itself of matters that are essentially non-criminal in nature, so that its resources may be devoted to the handling of criminal prosecutions. A person would have three options if issued a Universal Summons Bureau summons: resolving the matter by paying a fixed fine by mail, contesting the matter and consenting to adjudication before a judicial hearing officer at the Universal Summons Bureau, or contesting the matter and requesting prosecution in the New York City Criminal Court. Implementation would require a new Criminal Procedure Law article to be enacted by the Legislature.

City and District Courts - Traffic Cases: Given the increasing pressure on the City and District Courts to handle criminal cases growing out of the drug crisis, it no longer makes sense for City and District Courts to continue handling parking tickets and minor traffic violations. Most of the revenues derived from handling these cases is retained by local government, and, for that reason, local governments should establish the means to handle those matters administratively.

In 1992, City and District Courts processed over 580,000 parking ticket cases and over 440,000 uniform traffic tickets. These matters in City and District Courts consume time and resources which might otherwise be available for the handling of criminal and civil cases. A few years ago, the Legislature enacted legislation that partially relieved the Nassau District Court of traffic cases only. City and District courts throughout the State need similar, if not broader, relief.

The Unified Court System will again submit proposals to the Legislature to divest all City and District Courts of parking ticket and uniform traffic ticket matters, and we will work cooperatively with local governments to accomplish a phased-in transfer of that responsibility to administrative tribunals.

1.4.7 Access to the Courts

Pro Bono Legal Services: In 1990, the Committee to Improve the Availability of Legal Services, chaired by Victor Marrero, Esq., concluded that the poor in New York have a significant need for legal assistance in civil matters that is not being met. To address this problem, the Committee proposed that every registered member of the New York State Bar be required to provide at least 20 hours of pro bono service annually to better meet the need for legal services for the poor.

A State Bar Association committee recommended consideration of an alternative proposal involving structured, voluntary pro bono programs with an annual reporting requirement for each attorney. In response to the recommendations of the Marrero Committee and the State Bar Association, former Chief Judge Wachtler announced that he would withhold consideration of a mandatory pro bono requirement for two years to give the bar an opportunity to increase its voluntary efforts.

In September 1990, former Chief Judge Wachtler established the Pro Bono Review Committee, co-chaired by Mr. Marrero, which was asked to monitor the progress of the voluntary pro bono effort during the two-year period and to examine the extent to which the need for legal services is being met.

The Pro Bono Review Committee issued two preliminary reports in August 1991 and October 1992, containing the results of surveys conducted by the Committee of the pro bono activities of the New York State Bar. The results indicate that among responding attorneys whose principal place of business is in New York, the number who reported performing some qualifying service increased modestly from 48.3% in 1990 to 49.3% in 1991, and the average number of hours devoted by those lawyers increased significantly from 36.4 hours in 1990 to 43.7 hours in 1991. The number of attorneys who reported providing 20 hours or more of service annually increased from 22.8% to 27.3%. Also, these surveys have revealed that the proportion of attorneys providing pro bono service was lower in the New York City area than for other areas of New York State, and that more attorneys in smaller firms engaged in pro bono service than did those in larger firms. The surveys also provided useful information on the reasons cited by individuals for not performing pro bono service.

The Committee plans to conduct a third survey in early 1993 and will make final recommendations the following spring.

Access for Individuals with Disabilities: In 1990, Congress enacted the Americans With Disabilities Act (ADA), a comprehensive civil rights law designed to eliminate discrimination against individuals with disabilities. The Act applies to State and local governments, requiring them to assure that individuals with disabilities have access to their services, programs and activities.

The court system is committed to the full and effective implementation of the ADA in the State court system and to assuring that court services are accessible to all people, including people with disabilities. To assist in achieving those goals, a systemwide ADA coordinator has been designated and each Administrative Judge is serving as an ADA coordinator for his or her district or court. Comprehensive educational materials concerning ADA requirements have been furnished to all of the courts in the Unified Court System, and educational seminars for nonjudicial employees have been conducted by the National Center for State Courts.

An important component of the implementation effort was the development of uniform, written procedures for the resolution of claims or grievances by any individuals who use the services of the court system, involving alleged discrimination based on disability in the provision of such services. The procedures are in handbook form and are available in all the court facilities in the State court system.

The Communications Office also has been equipped with a telecommunications device for the deaf (TDD). This device will provide a centralized location to facilitate communication between individuals who are deaf or hearing impaired and court administrators. A TDD also is in operation on the Personnel Office's toll-free job information telephone line, which provides recorded information about available job opportunities in the court system.

Efforts are being undertaken to increase the physical accessibility of court facilities. Structural changes, where necessary, are the responsibility of local governments, and the process of assisting local governments in identifying inadequacies by commencing surveys of all State-paid courts has begun.

In recent years, the Chief Judge and Chief Administrator have worked closely with local governments in implementing the Court Facilities Act. During implementation of that Act, we have worked aggressively to ensure the structural accessibility of all new and newly renovated court facilities.

Cameras in the Courts: New York's first experiment with audio-visual coverage of judicial proceedings began on December 1, 1987. Prior to that time, section 52 of the Civil Rights Law prohibited the photographing, televising, broadcasting, or videotaping of trial court procedures. The first part of the experiment ended 18 months later on May 30, 1989, following an analysis contained in a statutorily required report submitted by then-Chief Administrative Judge Albert M. Rosenblatt. That report concluded that, on balance, the experiment had demonstrated that the presence of cameras in courtrooms did not interfere with the administration of justice.

In its 1989 session, the Legislature authorized a second experiment. The legislation continued the procedures and restrictions in the first experiment while adding several new restrictions, including restrictions on the coverage of arraignments and suppression hearings.

The legislation authorizing the second experiment also required the Chief Administrator to issue an analytical report and, to assist him in doing so, to establish an Advisory Committee. After extensive analysis, the Advisory Committee concluded that audio-visual coverage of judicial proceedings does not affect the administration of justice. Accordingly, in his 1990 report to the Legislature, the Chief Administrator recommended that audio-visual coverage of judicial proceedings be permanently authorized. Despite the report and recommendations, the Legislature failed to reach agreement on a bill and the authorization for audio-visual coverage of judicial proceedings expired on May 31, 1991.

In its June 1992 session, the Legislature enacted legislation to extend audio-visual coverage for an additional experimental period through January 31, 1995.

Sealing Court Records: In 1991, the Administrative Board of the Courts approved the adoption by the Chief Administrator of a court rule prohibiting judges from ordering the sealing of court records in civil lawsuits except upon a finding of good cause. The rule provides that a finding of good cause must include consideration of the interests of the public as well as of the parties. It also provides that, where necessary, the court may give non-parties to the lawsuit an opportunity to be heard on the subject of sealing.

The rule, which took effect on March 1, 1991, is designed to ensure that appropriate records in civil lawsuits are available for inspection by the public. It was drafted by the Chief Administrators Advisory Committee on Civil Practice at the request of the Administrative Board of the Courts.

Computer Records: In 1990, the Chief Administrator issued a policy governing access to the Unified Court System's centralized data bases for use by public agencies and private organizations. Under the policy, access to the computer records may be provided by direct computer-to-computer links for data transmission, by data tapes, or by printouts. Public agencies that participate directly in case processing may install in their agencies computer terminals connected to the Unified Court System's central data base.

The policy contains restrictions against furnishing information in the data bases that requires extensive writing of new computer programs, but allows waiver of the restrictions under certain circumstances. The restrictions can be waived when the data requested relates to the advancement or development of policies of the Unified Court fourth to open since April, 1991 when centers began operation in Manhattan and the Bronx. The centers are staffed by interview specialists who assess people's complaints against family members, neighbors and acquaintances in cases where the police cannot or will not make an arrest. Staff members arrange mediation sessions, help people serve appearance notices on the other parties, and assist people in obtaining orders of protection and court summonses where appropriate. Student social workers and law school interns are available to escort complainants to courts.

1.4.10 Community Dispute Resolution Centers Program

The Community Dispute Resolution Centers Program (CDRCP), established by the Legislature pursuant to Chapter 847 of the Laws of 1981, provides financial support to non-profit community organizations which offer dispute resolution services in all 62 counties of the State. Chapter 156 of the Laws of 1984 made the Community Dispute Resolution Centers Program a permanent component of the Unified Court System.

Dispute resolution centers are a cost effective means for addressing minor civil and criminal matters that do not require a formal court structure. They also aid in preventing the escalation of minor disputes into more serious matters and thus relieve the courts of cases that might otherwise be filed. During the last fiscal year, over 100,000 individuals were served and more than 45,000 cases were processed by these centers.

1.4.11 Workforce Diversity Program

The Unified Court System instituted the Workforce Diversity Program to ensure that the court system's commitment to the principles of equal employment opportunity are translated into increased participation of minorities and women in all occupational categories and locations.

The Program consists of general strategies and specific initiatives aimed at broadening the pool of candidates, both in general and for specific job groups in which minorities and women were found to be under-represented in the 1989 Report on the Participation of Minorities and Women in the Nonjudicial Workforce of the Unified Court System. The program also seeks to retain and promote minorities and women once they are hired. Also, with the changing demographics of the state, the Unified Court System recognizes the critical importance of fostering an environment where persons of diverse cultural backgrounds can work in harmony.

Management initiatives undertaken include the establishment of locally based hiring goals and timetables; the provision of examination preparation materials; the development of mentoring and internship programs; and the creation of a comprehensive Cultural Diversity Training Program for all nonjudicial personnel.

In the spring of 1992, anti-discrimination panels were formed to provide an informal method to hear and resolve employment related complaints involving discrimination and sexual harassment. These panels are intended to serve as an alternative to the formal claim filing procedures that are also available to employees of the Unified Court System.

1.4.12 Education and Training Programs

The Judiciary continues to provide a comprehensive education and training program for judges, justices and nonjudicial employees. For justices and judges, an annual education seminar and local magistrate training is offered. The nonjudicial program includes mandatory courses, optional employee development courses and senior management conferences.

1.4.13 Town and Village Courts Resource Center

New York has approximately 2,400 Town and Village Justices presiding over nearly 1,500 courts in jurisdictions with populations varying from a few hundred to tens of thousands. Together they comprise nearly 70% of all the judges in the State and handle over 2,500,000 cases each year.

In 1990, the Unified Court System established a comprehensive Town and Village Courts Resource Center. The Resource Center provides Town and Village Justices with legal research on issues that arise under the jurisdiction of their courts, including but not limited to: small claims, civil and summary proceedings, criminal cases, commercial claims, agricultural and marketing law matters, zoning ordinances, building and fire code violations and vehicle and traffic law infractions.

The Resource Center:

- advises Town and Village Courts on the proper reporting of fees, fines, bail money and other funds handled by the courts;

- advises the courts as to the availability of alternatives such as the Community Dispute Resolution Centers, the Crime Victims Assistance Program, day fines, and electronic monitoring;

- keeps the courts current on legislative and case law changes by publishing periodic updates;

- provides legal research on specific procedural questions relating to preliminary hearings on felony charges, preliminary jury instructions, jury management, charges to the jury, violation of probation hearings, and restitution hearings; and,

- maintains a centralized research depository of reference materials commonly used by Town and Village Courts.

The Town and Village Courts Resource Center represents the first time that the Unified Court System has

System or will promote the effectiveness and efficiency of court operations. The policy details usage fees and charges, with exemptions available for public and non-profit organizations. The policy recognizes that most unsealed data contained in the Unified Court Systems civil and criminal case data bases is public record information and establishes procedures that facilitate access to this information.

1.4.8 New Judgeships

There is a continuing need for additional judicial resources necessary to keep pace with current caseloads while maintaining the quality of justice due the citizens of the State. However, the existence of approximately 40 judicial vacancies in the trial courts must receive the highest immediate priority. These vacancies further tax already overburdened judicial resources and action to fill these vacancies must be taken as quickly as possible.

Standards to reflect optimum annual caseload per judge in each court type were developed several years ago in conjunction with the establishment of several new judgeships. The application of these standards reflects the need for 15 additional new judgeships at this time.

1.4.9 Judicial Compensation

Not since October 1, 1987 have State-paid judges and justices received a pay increase. In these five years, the consumer price index has grown steadily at between 4% and 6% per year. Caseloads at all court levels have continued to rise. Most other State employees have received pay increases, including thousands in the Executive Branch already earning more than many judges; and compensation in private sector employment, to which judges might otherwise be drawn, has grown. Increasing numbers of experienced jurists are leaving the Bench; and of those that remain, many have become dispirited. Many members of the Bar, who may once have aspired to judicial office, report that they have had to lay aside that ambition because it can no longer be squared with practical concerns for family and financial security.

To insure the Judiciary's continuing vitality as an institution, and to accord judges and justices some basic economic fairness, a judicial pay increase is critically important.

The Temporary Commission on Executive, Legislative and Judicial Compensation (the "Jones Commission") in its June 1988 report documented the dramatic decline in the real value of the wages paid judges even after the 1987 pay raise was considered. To remedy matters, it called for phased-in judicial pay adjustments that would, over 7 years, not produce any real pay increase for judges but merely bring them to where they would have been, had their salaries kept pace with inflation. It also called for establishment of a permanent State commission with a mandate to review and adjust pay levels periodically for judges and other high public officials.

The specifics of the judicial pay increase endorsed by the court system include:

• establishment of a new salary structure for State-paid judges and justices effective April 1, 1993. While there is no provision for a retroactive pay increase, the proposed salary structure sets pay at levels that would have been reached on that date had the cumulative Jones Commission's 7-year design (to make judicial salaries whole as against the past 20 years of inflation) been implemented in 1989 (*viz.*, levels are set as they would have been after 4 years of Jones). The salary structure also reflects the pay percentage increases received by represented State employees since April 1, 1989.

• establishment of a permanent commission to review and adjust judicial salaries, as proposed by the Jones Commission. It would consist of 13 members, appointed by the Governor, the legislative leadership and the Chief Judge of the Court of Appeals. Required to report by October first of every other year, beginning October 1, 1993, its specific mandate would be to "review and determine the adequacy of [judicial compensation]", giving consideration to an itemized list of statutory factors. In its biennial report, the Commission would make recommendations for adjustment in judicial pay levels. Any such recommendations will become effective on the following April first, absent disapproval by the Governor or the Legislature. The Commission also would be required to recommend a phased method by which the salaries of all judges would be equalized, at the level of Federal District Court Judges, by April 1, 1996.

In November 1992 the Governor created a new Temporary Commission on Judicial Compensation to examine the adequacy of existing levels of compensation for judges and to make recommendations in a report to be issued in January 1993.

1.4.9 Court Dispute Referral Centers

In February 1988, the Task Force on the Civilian-Initiated Complaint Process in the City of New York was formed. The Task Force was comprised of judges of the Criminal and Family Courts, members of the Bar, prosecutors, public defenders, mediation administrators, professional mediators, victim advocates, police supervisors and other public officials. The Task Force conducted an extensive fact-finding process, held public hearings, and issued a report. The Task Force identified problems with the current system, including the need for applicants from Kings, Queens and Bronx Counties to travel to New York County to have complaints drawn; little or no legal representation or guidance; crowded courtrooms, long calendars, and inadequate resolution of the underlying cause of the problem. The Task Force report, issued in 1989, called for replacement of the current inadequate system for processing civilian-initiated complaints with Court Dispute Referral Centers.

The last phase of the plan to reform the way civilian-initiated complaints are handled was completed in May of 1992. The Queens Court Dispute Referral Center was the provided concrete assistance in legal reference to these critically important courts.

1.4.14 The Court Facilities Program

Chapter 825 of the Laws of 1987 was enacted as a comprehensive solution to the State's court facilities renewal needs. For many years, even prior to the State's assumption of the operating costs of the courts, a major problem facing the court system was inadequate, substandard and even deplorable courthouse facilities. When the State assumed the cost of operating county and city-level courts in 1977, the responsibility for providing and maintaining court facilities remained with local governments. Although some municipalities met that obligation adequately, most did not. The result was the deterioration of existing facilities and a failure to construct vitally needed new facilities with the physical capacity to house the vastly increased workload facing our courts.

The Court Facilities Act reaffirmed the principle that the provision and maintenance of adequate court facilities remains a responsibility of local government, while providing technical and financial assistance to help local governments meet those needs. The Act gave local governments two years, until August 1989, to assess the condition of their court facilities and develop Capital Plans for needed improvements. Those Plans were to be submitted for approval to a Court Facilities Capital Review Board, whose members represent the Judiciary, the Executive and both houses of the Legislature.

Once a locality's Plan is approved, financial aid is available in the form of a subsidy to reduce the cost of borrowing money to finance court improvements. The subsidy ranges from 33 percent to 25 percent of interest costs, depending on the locality's relative taxing capacity.

The Act also provided retroactive aid to localities that had financed court facilities improvements after 1977 but prior to enactment of Chapter 825. Over a ten-year period, 19 counties and seven cities will receive more than $5.6 million in retroactive aid as a result of this provision. More importantly, these localities and others that sold debt for court facilities improvements prior to August 1987, will receive aid to defray the interest costs on that debt over the life of the notes and bonds issued for that purpose.

To promote better maintenance of courtrooms and buildings, the Act established a second aid program to reimburse local governments for a portion of the operations and maintenance costs associated with court facilities. The subsidy ranges from 25 percent to 10 percent, based on each local government's relative taxing capacity. Pursuant to the Act, written standards for maintenance and operations of court facilities were established in 1989 and are being enforced. Compliance with these standards is a precondition for the receipt of State aid for maintenance and operations; failure to comply can lead to a withholding of aid. To ensure compliance, since 1990, local committees of judges, court employees, local government officials and lawyers inspect court facilities on a quarterly basis and report on compliance. As a result of these efforts, the level of cleanliness and proper maintenance of court facilities across the State improved noticeably, particularly in the City of New York. To implement an agreement reached early in 1992 to improve the cleaning of court facilities in New York City, the City hired an additional 100 cleaners and agreed to earmark up to $8 million in State aid for remedial maintenance projects.

To help local governments finance and manage the construction of court facilities, the Act empowered the State Dormitory Authority to construct and/or finance such projects. Use of the Authority is optional. A number of localities are considering the use of the Authority for construction financing, permanent financing and/or construction management, and some, including the City of Glen Cove and Tioga County, are already using the Authority as a financing vehicle for court improvements.

In the summer of 1991, legislation was enacted to allow local governments to use a broader range of financing techniques for capital improvements, including court facilities, and to receive State aid for such efforts.

Despite the fiscal difficulties created by the recession, most local governments have responded very positively to this program. All 119 cities and counties have submitted Capital Plans; all have been reviewed and received at least initial approval. These plans call for $3.3 billion in total court facilities improvements over the next decade and beyond. The New York City Plan alone represents $2.7 billion of that total.

New York City's court facilities are generally regarded as the most seriously deficient in the country, lacking millions of square feet of needed space, adequate security, and proper layout, as well as — in many instances — being on the verge of physical collapse. In the summer of 1992, as the culmination of a year of serious discussions and months of intensive negotiations, the City amended the Capital Plan it originally submitted in 1989 to provide for 32 major projects over 15 years in the five boroughs, with design and construction of the most critically needed projects to proceed on a expedited basis.

The first major projects set forth in the Plan are now under construction: a new Bronx Housing Court and a new Criminal Court in Queens. Projects to be undertaken in the near future include a new Criminal and Supreme Criminal building in the Bronx, a new Civil Court in Queens, a second new Criminal Court in Queens, a new Family Court in Brooklyn, two new Criminal Court Annexes in Brooklyn, renovations for the Appellate Division in Brooklyn, and the conversion of a State-owned office building at 80 Centre Street in Manhattan into a new Supreme-Criminal Court Complex.

Later in the decade, design will begin for a second new Criminal and Supreme Criminal building in the Bronx, a renovation and expansion of the Family Court in Queens, a third new Criminal Court in Queens, a new Supreme-

Criminal complex in Brooklyn, and a new Judicial Complex in Staten Island.

At the same time, design and construction will begin on several projects which address less critical but nevertheless vital court facilities needs and which will house the City agencies that work with the court system to address peoples' needs.

By the turn of the decade, new or improved court facilities in all the boroughs will be in service or nearing completion; by the middle of the decade the New York City Plan will be substantially completed and, for the first time in over half a century, the people of the City of New York will have decent facilities in which to seek justice.

Financing for this massive undertaking will be provided by the State Dormitory Authority, which will issue bonds to finance the first five years' worth of project activity and capture the benefit of today's historically low interest rates for a major portion of the program. The Dormitory Authority is also providing construction management services to the City for many of the most difficult and complex projects, such as the 80 Centre Street conversion.

Forty-four cities have substantially completed their Capital Plans. Across the State, new or substantially renovated City Courts have been provided in Canandaigua, Cortland, Elmira, Ithaca, Middletown, Mount Vernon, Olean, Oswego, Port Jervis, Watervliet, White Plains and Yonkers. A totally renovated facility is under construction in Poughkeepsie. Plans for major renovations or new construction are being finalized by Beacon, Glen Cove and Utica.

Twenty-four counties have substantially completed their Capital Plans, providing new or substantially renovated facilities in Cattaraugus, Cortland, Hamilton, Herkimer, Jefferson, Madison, Montgomery, Ontario and Steuben Counties.

Major construction is underway in Oswego County, St. Lawrence County and Washington County.

Suffolk County has just completed a $100 million court complex in Central Islip that addresses most of that county's facilities needs and represents the largest court facilities improvement outside the City of New York.

Partly because of favorable economic conditions, and partly as a result of the increased attention and scrutiny given to court facilities by the comprehensive planning requirement, the new or renovated facilities being provided to the court system are being built on time and within budget — a significant achievement for public construction.

Other facilities plans have been or are being revised to take advantage of changed economic circumstances in ways that provide improved court facilities more quickly while reducing costs to local governments.

1.4.15 Information and Records Management in the Trial Courts

Administrative oversight of information processing and records management in the trial courts is the function of two offices. Responsibility for information processing rests with the Centralized Computer Systems Unit of the Office of Programs and Planning. Records management responsibilities rest with the Office of Libraries and Records Management.

The creation and management of information and records is one of the principal activities performed in the trial courts of the Unified Court System in support of administration and the case disposition process. Information and records management functions, which are carried out by approximately half of the nonjudicial staff of the trial courts, include: the review of case initiation papers and the opening of case files; case indexing, docketing and scheduling; the production of court calendars; case inquiry; the processing of case-related notices, orders, applications and motions; the collection of fees, fines, bail and other costs; the transmission of case records from place to place in courthouses; the processing of records on appeal; the storage and retrieval of case records and exhibits; the creation of reports on caseload activity and the status of case inventories; the production and processing of juror qualification questionnaires and summonses; the maintenance of juror service records; the payment of jurors; the reporting of criminal case disposition information to the Executive Branch; text-editing; the processing of mail; budget and fiscal administration, personnel records management and information services; legal reference services and law library administration.

The Unified Court System utilizes mainframe technology, personal computers, workstations, and manual systems to meet information and records management requirements in appropriate settings, with a goal of cost savings and uniformity. More than 90% of the trial courts and administrative agencies currently support information processing with computer technology. The Unified Court System is continuing its program of technology improvement and is extending these efforts in the current and next fiscal year through the use of document image processing and data communications technology and through installation of new and upgraded microcomputer systems in courts and chambers.

Document Image Processing: Imaging technology is currently being pilot tested in the court system. The use of automated image processing systems in the trial courts offers a significant opportunity to reduce costs and improve the quality of service to the public.

Document image processing systems use state-of-the-art hardware and software to capture, route, retrieve and store images. These systems have become an important tool in public organizations that deal with large volumes of paper and information. The Unified Court System currently creates more than 4 million new case files each year and stores more than a million cubic feet of records. Existing manual paper processing operations of the Unified Court System are labor-intensive, and necessarily slow and inefficient; records storage requires tremendous amounts of costly courthouse and off-site facility space. Seeking to improve and expedite the flow of information throughout the courts and to reduce the costs of records processing and storage, the Unified Court System has been working with the Digital Equipment Corporation (DEC) in installing and testing this technology at sites in Suffolk, Monroe and Rensselaer Counties. Additional sites, including a component of the New York City Civil Court are scheduled to be added during 1993-94.

The Unified Court System believes that document image processing has significant potential to reduce costs, improve services and make court operations more efficient. By testing this technology, the Judiciary's aim is to improve the efficiency and effectiveness of trial court operations and to maximize utilization of limited resources.

Automated Public Information Services: The Unified Court System also plans to improve court effectiveness through the installation of an automated voice mail/call direct public information system in the New York City Supreme Court and an audio-text system in the New York City Family Court. The audio-text system which has assisted over 60,000 callers where it currently operates in the New York City Civil Court, will also be used in the Family Court to answer general inquiries in both English and Spanish on a 24-hour per day, seven days per week basis. Additionally, projects are recommended that provide access to court information to private concerns, on a fee for service basis.

Supreme Court Civil Case Information Retrieval Service: Expansion of services to provide the latest information regarding civil cases in the Supreme Court in New York County through the introduction of interfaced voice recognition will be implemented during the 1993-94 fiscal year. This technology will be integrated with the existing automated Civil Court Information System (CCIS) to provide digitized access through the normal telephone communications link which in turn will provide an audio response to selected case queries such as case status, next appearance date, attorney of record and so forth.

Implementation of this technology has been targeted for the New York County Supreme Court due to the number of inquiries related to case status which are processed through the court. It has been estimated that in some instances up to 95 telephone inquiries daily have been addressed by clerical personnel assigned to an individual justice serving in that court. Taking into consideration the 50 judges assigned to the court and a caseload in excess of 46,000, a great deal of clerical staff time is being spent answering inquiries. This would be remedied through the introduction of the interfaced voice recognition technology.

The hardware would include telecommunications availability to support 24 concurrent users. Approximately 250 users would be provided with timely services, from call initiation through completion of the request, at this level of support. In providing such an inquiry service, a fee will be assessed for the information and would be collected through the provider of the communication. This fee would be incorporated in the 900 code calls for which a fixed fee is assessed per call or minute and a portion of the revenue from these fees will be credited to the Judiciary's Data Processing Offset Fund.

Supreme Court Civil Information Search Services: The Supreme Court Civil Information System will further be enhanced to provide additional information through automated access to private concerns through the introduction of a searching capability which will allow retrieval of case information based upon a specific selection criteria. Every element maintained for a case will be made available for inquiry purposes, with the exception of confidential data, through technology which will provide immediate access from personal computers located in the requestor's remote location. Access to such information will be provided based upon a subscription for such service. Security and data integrity will be maintained through the extrapolation of the information from the active case records (maintained on a different platform or computer) and by limiting access to a "read only" environment. This information availability should draw a wide and varied response from law firms and title companies to individuals who may require certain case information in the performance of their professional duties.

In order to proceed with the implementation of such a service, a hardware system to support approximately 15 concurrent users which in turn will support approximately 100 users in a timely fashion will be needed. In providing such services, an access fee would be assessed which would result in revenue to offset the cost involved with the operation. The "900" concept with the carrier collecting the fee would be utilized. Again, a portion of the fee will be credited to the Judiciary's Data Processing Offset Fund.

Centralized Court Information Services: Information management functions in high volume courts, and district and central administrative offices, are maintained through centralized on-line applications supported by mainframe processors and minicomputers operating from the Unified Court System's dual site Data Processing Center located in Albany and Troy. These systems support the operation of more than 2,200 remote devices and the execution of over 450,000 remote transactions and batch transactions daily in the trial courts and administrative offices.

Historically, central site processing has been most economical and has provided better software control. Centralized applications supported by the mainframe processors now maintain records required on a statewide basis, together with records and data that are of local interest only. Today, advances in technology are bringing increased processing power to personal computers and workstations; advances in mass storage devices have brought multi-gigabyte storage capacities to these same desk tops. As a result, distributed processing is the automation trend of the 1990's. The diversion of records and data required at the court or district level only to local site processing and storage will provide a better level of service to the trial courts, at a reduced cost, while extending the life of the mainframe computer systems. Distributed processing will not replace centralized computer operations, but will reduce costs and permit a slower expansion of processing and storage requirements.

Consistent with the move to distributive processing, a program is planned in 1993-94 to incorporate a distributed environment for jury systems management. This program will transfer JMS function to local area networks at jury office sites to both ensure an up-to-date and representative jury pool and to relieve the overburdened mainframe computer.

Centralized applications include the Criminal Records and Information Management System (CRIMS); the Jury Management System (JMS); the Civil Case Information System (CCIS); the New York City Family Court System (AFCRIS); the Housing Court Information System (HCIS); the New York City County Clerk Judgement Docket and Lien Book System (JDLB); the Caseload Activity Reporting System (CARS); the Automated Payroll/Personnel Information System (APPIS); on-line budget and fiscal applications, and other administrative on-line and batch applications. In addition, centralized application data is downloaded and/or re-keyed to microcomputers for local applications and used to generate specialized reports.

1.4.16 Office of Libraries and Records Management

The Office of Libraries and Records Management (OLRM) develops, coordinates, and implements records management policies, the Law Libraries program, and legal research collections throughout the Unified Court System. Its primary activities are to plan and implement statewide programs, and to provide guidance, expertise and training to local court operations. This unit is also overseeing imaging pilot projects to assess the role this technology can play in court system records management. In addition, OLRM personnel operate the microfilm laboratory, prepare the index to the Appellate Records and Briefs, and maintain centralized databases for records inventories and legal research expenditures.

In 1989, shortly after OLRM was established, records retention and disposition schedules for all Trial and Appellate Court records series were approved and distributed throughout the Unified Court System (NYCRR 104.1). Records policies, standards and procedures are being developed in concert with each district and administrative unit. The first priority for the Unified Court System is the identification and disposition of all records deemed eligible for destruction. Additionally, inventories of existing court records are being centrally collected and used to determine disposition schedules; records no longer needed for daily operations are being removed from the immediate work area.

In the past, records management policies have focused on microfilming and storage of both records and films. Now, the Unified Court System has added exploration of technological alternatives to current records organization, storage and retrieval methods through document Image Processing Systems. Pilot projects now underway in the Suffolk County and Monroe County Surrogate's Court were initiated in New York City at the end of the year.

The Unified Court System also plans to revise its ongoing micrographics programs to ensure maximum cost effectiveness. In 1993-94, existing in-house filming programs will be phased out and replaced by outside vendor filming. Staff currently assigned to micrographics programs will continue to work in this area but will change their emphasis from filming to document preparation, quality control and records access. The conversion from in-house to vendor-provided services will allow the courts to avoid annual camera supplies, maintenance and repair costs and equipment replacement costs.

New records management projects in the planning stages include mechanized filing systems to promote more efficient use of current file space. The equipment will be installed in the New York City Supreme Courts, County Clerks operations and in the Family, Surrogates' and Multi-Bench courts of the Eighth Judicial District and the Supreme Court Law Library at Syracuse.

Legal research resources and services provided to judges must be adequate, accessible and effective. The cost of published legal research resources is significant and routinely increases at more than double the published rate of inflation. The consequences of inadequate or unavailable legal research are case resolution delays and reversals. OLRM strives to provide systems that insure availability of timely, cost-effective legal resources. Supplementing law library and chamber collections, computer assisted legal research is made available throughout the state.

1.4.17 Permanent Judicial Commission on Justice for Children

The Permanent Judicial Commission on Justice for Children was established to achieve a consensus regarding the need for systematic change in the Family Courts and the entire juvenile justice system. The Commission, co-chaired by Chief Judge of the Court of Appeals Judith S. Kaye, and Ellen Schall, Esq., seeks to draw together representatives of the Judiciary, the Legislature, State and local government agencies, voluntary agencies, public service organizations, bar associations and existing task forces, commissions and advisory groups.

1.4.18 Security

In the Unified Court System a central administrative office for security services establishes security standards, policies, and procedures that are applied uniformly throughout the State. Since its creation in 1987, the office has developed and put into operation uniform policies and procedures affecting all aspects of court security, including staffing guidelines, reporting of security-related incidents and procedures for judicial security. The judicial security system operates at all times to alert security personnel to threats against judges.

A magnetometer policy developed by the office has resulted in the use of these devices in several courts in New York City and in over a dozen counties outside of New York City, with installation pending in additional courts.

1.4.19 Financial Management

Several new financial management initiatives ensure that the court system's limited financial resources are used to maximum effect. For example, an automated budget system, which standardizes the way budget information is developed and reported by local court managers, has resulted in large productivity increases in budget preparation and review. In addition, the accounting system has been redesigned to integrate budget and accounting information and to provide local managers with prompt access to fiscal information. An automated petty cash system, and a budget management plan and reporting process for management and monitoring of allocations and expenditures, have been successfully implemented.

The Unified Court System is continuing the implementation of the New York State Governmental Accountability Audit and Internal Control Act, enacted in 1987. We have established and issued internal control guidelines, standards and review procedures, which were provided to all judges and nonjudicial administrators. To help implement them, a training program was conducted for representatives of every court and court-related agency in the State and a comprehensive self-assessment process was undertaken. In accordance with the provisions of the Internal Control Act, the court system has been independently audited. Additionally, the court system's internal audit staff conducts both fiscal and management audits of the courts and court-related agencies on a regular basis.

1.4.20 Franklin H. Williams Judicial Commission on Minorities

The Unified Court System is committed to assuring fair and equal treatment, free from taint or the perception of bias, prejudice or discrimination, for all individuals in the State court system. In furtherance of this goal, in January 1988 an independent New York State Judicial Commission on Minorities. The Commission's mandate was to examine the treatment accorded minority lawyers, court personnel, judges and litigants within the court system and to recommend ways to achieve fair and equal treatment for all.

The Commission issued a multi-volume report in April 1991, which examined in detail the treatment accorded minority lawyers, court personnel, judges and litigants in the court system. The report found, among other things, that the perception of racial bias in the justice system was widespread in the minority community and proposed dozens of recommendations for remedial action.

One of the original Commission's recommendations was that a successor Commission be appointed to implement the recommendations in the report. In November 1991, a successor Commission was appointed to review and implement those recommendations that had not already been undertaken as a part of our Workforce Diversity Program. The new commission was named the Franklin H. Williams Judicial Commission on Minorities in honor of the late Franklin H. Williams, former United States Ambassador to Ghana and president of the Phelps Stokes Foundations, who served as first chair of the New York State Judicial Commission on Minorities. Court of Claims Judge Lewis L. Douglass has assumed the chairmanship of the Commission.

During 1992, the Williams Commission focused on several key areas, including an effort to increase the participation of minorities on juries. Toward that end, the Commission created a Speakers Bureau to reach out to minority civic, religious and community groups by providing judges to address them, to explain jury service and the judicial process and, most importantly, to urge people to participate in the legal system by serving as jurors.

The Commission also began a study to follow up on a finding in the report that the amount of monetary awards in civil cases may vary between minority plaintiffs and other plaintiffs. The Commission's study, which is ongoing, is focused on civil proceedings in New York City and Buffalo and includes gathering data on awards by plaintiffs ethnicity, race and earnings.

One of the Commission's mandates is to promote community dialogue in an effort to improve the perception of fairness in the system. Over the past year, the Commission's Chair and several of its members have made frequent visits to community groups throughout New York City to increase understanding of the legal process and to listen to and respond to peoples questions. In addition, the Commission conducted a review of the court systems publications to make them more user friendly. The review resulted in the decision to develop a Chinese edition of the court systems handbook on Small Claims Courts.

The Commission also began planning, in conjunction with the New York City Mayor's Office, a sensitivity training program for lawyers who serve in the Assigned Counsel Programs in the City.

1.4.21 Judicial Committee on Women in the Courts

The New York Judicial Committee on Women in the Courts has continued to develop systemwide solutions to assure fair treatment for women litigants, attorneys and court personnel. The Committee was created in 1986 to implement the recommendations contained in the report of the New York Task Force on Women in the Courts and to eliminate gender bias in the justice system. The Committee has adopted various strategies for reaching ingrained biases. Education remains a favorite tool — education for judges, nonjudicial personnel, and the public. Increasingly important are local gender bias committees under the auspices of administrative judges that can address the particular manifestations of bias in their courts and draw on their hometown institutions for solutions. Among the tangible products of the past year for the Committee is a pamphlet for court personnel on sexual harassment.

1.4.22 Anti-Discrimination Panels

The Commission on Minorities and the Commission on Women in the Courts serve the vital function of focusing on the treatment of minorities and women in the justice system and the legal community. They also have helped the Unified Court System examine itself as a workplace, to make sure that employees work in an environment that reflects a commitment to equal opportunity and equal treatment.

This year the method for employees to address claims of discriminatory treatment in the workforce has been revised to provide both a formal and an informal alternative to an employee with a claim of discrimination in any employment-related matter on the basis of race, color, national origin, religion, creed, sex (including sexual harassment), sexual orientation, age, marital status, or disability.

In addition to the traditional method of filing a formal claim with the Equal Employment Opportunity Office, a Unified Court System employee now can turn to a trained member of a local Anti-Discrimination Panel for the informal resolution of a bias-related complaint. This informal procedure is designed to provide an easy, flexible method to eliminate bias in the workplace.

Anti-Discrimination Panels are in place in each judicial district outside New York City, in the courts and County Clerks Offices in New York City and in the Office of Court Administration in Albany and New York City. Most panels include both judges and nonjudicial personnel who have volunteered to fulfill this function. The panel members were trained by experts from Cornell University's EEO Studies Program.

1.4.23 Prohibitions Against Employment Discrimination Based on Disability

The Americans With Disabilities Act (ADA) extends, not only to the users of the court system in assuring that services provided by the courts are free from discrimination based on disability, but also to employees of the court system and to candidates for employment.

The ADA is designed to ensure that individuals with disabilities have a fair opportunity for employment and promotion in the court system. To this end, the Act requires that candidates for employment or promotion be evaluated only on their ability to perform the essential functions of the position, and does not permit inquiry into the nature or severity of an individual's disability. If an individual can perform the essential functions of the position, even if reasonable accommodations are necessary to permit him or her to perform such functions, the individual cannot be discriminated against on the basis of disability in any employment-related matters.

To assure that the selection and promotion process provides equal treatment and opportunity for individuals with disabilities, the Uniform Guidelines for Appointment and Promotion Handbook and all of the various employment-related forms and applications have been revised. Local managers have received educational materials on the ADA requirements for the employment process.

All other personnel practices and procedures are being reviewed for compliance with the ADA. A grievance process has been instituted for any employee who feels that he or she has been discriminated against on the basis of a disability.

1.4.24 The Ethics Commission for the Unified Court System

The Legislature has passed a series of laws applicable throughout the public sector to make all public employees disclose potential areas of conflict of interest resulting from their private activities. Section 211(4) of the Judiciary Law, applicable to the Judicial branch, requires, commencing in 1991 and continuing annually thereafter, that judges, justices, officers and employees of the Unified Court System file an annual statement of financial disclosure setting forth detailed personal financial information. This requirement applies to all judges and nonjudicial employees who either receive annual compensation at or above a specified statutory filing rate (currently $53,171) or who hold policy-making positions as determined by the Chief Administrator.

In order to provide a mechanism to administer this requirement, an Ethics Commission for the Unified Court System was established consisting of five members, two of whom must be judges and two of whom may not be public officers or employees. All financial disclosure forms are filed with the Ethics Commission, which administers the entire filing process, and is authorized to grant certain exemptions from filing and grant approval for deletion of certain items of information from public disclosure. Any covered person who fails to file with the Commission or fails to complete any of the filing requirements is subject to disciplinary action by the Chief Administrator or, in the case of a judge, by the Commission on Judicial Conduct.

Table 1
NEW YORK STATE JUDICIAL SYSTEM
Authorized Number of Judges
December 31, 1992

Number of Judges	*Court*
7	Court of Appeals
47[a]	Supreme Court, Appellate Divisions
287[b]	Supreme Court, Trial Parts
50	Supreme Court, Certificated Retired Justices
18	Court of Claims
46	Court of Claims* (15 judges appointed pursuant to Chapter 603, Laws of 1973, Emergency Dangerous Drug Control Program, as amended by Chapters 500, 501, Laws of 1982; 23 appointed pursuant to Chapter 906, Laws of 1986; 8 appointed pursuant to Chapter 209, Laws of 1990)
31	Surrogates' Courts (including 6 Surrogates in the City of New York)
71	County Courts* (County Judges outside the City of New York in counties that have separate Surrogates and Family Court Judges)
11	County Courts* (County Judges who are also Surrogate's Court Judges)
6	County Courts* (County Judges who are also Family Court Judges)
36	County Courts* (County Judges who are also Surrogate's and Family Court Judges)
123	Family Courts (including 47 Family Court Judges in the City of New York)
107	Criminal Court of the City of New York
120[c]	Civil Court of the City of New York
50	District Courts (in Nassau and Suffolk Counties)
158	City Courts in the 61 Cities outside the City of New York (including Acting and Part-time Judges)
1,168	Total
2,242	Town and Village Justice Courts

[a] In addition to the 24 Supreme Court Justices permanently authorized, 12 Justices and 11 Certificated Retired Justices are temporarily designated to the Appellate Division.

[b] Does not include judges of other courts, especially the Civil and the Criminal Courts of the City of New York, who sat as Acting Supreme Court Justices during the year. Includes justices designated to an Appellate Term.

[c] Does not include the additional 11 Civil Court Judgeships authorized by the 1982 Session Laws, Chap. 500, but still not filled.

* In smaller counties judges may sit in two or three of the county-level courts simultaneously (County, Surrogates' or Family Courts)

Chapter 2

Caseload Activity Report

2.1 Introduction

There were 3,743,232 new cases filed in the trial courts of the Unified Court System in 1992.[1,2] Of these, 3,425,624 filings reached court calendars. Excluding parking tickets, there were 2,831,175 filings as follows: 37% (1,042,534) were filed in criminal courts, 38% (1,081,264) in civil courts, 21% (586,770) in the Family Court, and 4% (120,608) in the Surrogates' Courts.

Dispositions in the trial courts during 1992 totaled 3,413,590. Excluding parking tickets, there were 2,819,142 dispositions, as follows: criminal courts—36%, civil courts—39%, Family Courts—21%, Surrogates' Courts 4%.

Table 2 shows a breakdown of filings and dispositions in the trial courts by type of court.

2.2 Criminal Cases

Criminal cases are processed in the trial courts as follows: Felony indictments and superior court informations are processed in the Criminal Term of the Supreme Courts in New York City and in the County Courts outside New York City. In several counties outside New York City, a portion of the felony caseload is processed in the Supreme Court as well. The District Courts of Nassau and Suffolk and the City, Town, and Village Courts outside New York City have original jurisdiction over felonies and complete jurisdiction over misdemeanors, violations, and infractions.

1. Criminal Term of Supreme and County Courts

Filings: Statewide, 76,814 felony cases were filed in the Supreme and County Courts during 1992.[3] Sixty-six percent (50,783) of the 1992 filings occurred in New York City.

Table 3 shows 1992 filings by judicial district.

Table 4 focuses on individual counties, showing the seventeen counties with 400 or more felony case filings in the Supreme and County Courts. These twenty counties accounted for 90% of all felony filings in these courts.

Dispositions: Statewide, 78,824 cases reached disposition (guilty plea, trial verdict, dismissal, or miscellaneous other) in 1992. Sixty-five percent (51,471) of the 1992 dispositions occurred in New York City.

Table 3 shows 1992 dispositions by judicial district.

Table 4 shows the nineteen counties with more than 400 dispositions in 1992; these counties accounted for 91% of all felony case dispositions. Eleven counties which commenced over 40 trials accounted for 89% of felony trials commenced statewide in 1992. Of the total of 5,123 felony trials commenced, 4,506 (88%) were jury trials.

Figure 3 shows felony case dispositions by type. There were 66,412 guilty pleas (84%) 6,742 dismissals (8%), 4,354 trial verdicts (6%) and 1,316 other dispositions (2%).

2. Criminal Courts of Limited Jurisdiction

Criminal Court of the City of New York:

There were 267,331 arrest cases filed in the Criminal Court of the City of New York in 1992. Arraigned cases totaled 261,123. There were 261,731 dispositions.

Of the dispositions, 45% were by guilty plea, 31% by dismissal, 19% by referral to grand jury or by transfer to Supreme Court for waiver of indictment, 0.3% by verdict, and 5% miscellaneous other.

There were 105,152 summons cases added to the calendar. [In addition, 85,264 summons cases were filed but not added to the calendar (defendant did not appear)]. There were 101,328 calendared dispositions.

City and District Courts Outside New York City: Criminal case intake in the City Courts and the Nassau and Suffolk District Courts totaled 233,023 in 1992. There were 221,128 dispositions. Of the dispositions, 51% were by guilty plea, 37% by dismissal, 8% by referral to grand jury or by transfer to superior court for waiver of indictment, 1% by trial verdict, and 3% miscellaneous other.

There were 360,214 non-criminal (violations and infractions) Uniform Traffic Tickets disposed in these courts. These consisted primarily of fines paid (by personal appearance and mail). In addition, 81,530 traffic tickets were filed and not answered. In jurisdictions without a parking violations bureau, the City and District Courts process parking tickets. Dispositions totaled 594,448 in 1992.

Figure 4 shows criminal caseload activity in the criminal courts of limited jurisdiction.

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[1] All data in this chapter are from the Caseload Activity Reporting System of the Unified Court System. Courts report data to the Office of Court Administration pursuant to the Rules of the Chief Administrator of the Courts (22 NYCRR 115).

[2] Does not include locally-funded Town and Village Courts.

[3] "Cases" are a count of "defendant-indictments", i.e., each defendant on each indictment counts as a case.

Table 2
FILINGS AND DISPOSITIONS IN THE TRIAL COURTS
1992

Court	*Filings*	*Dispositions*
CRIMINAL:		
Supreme and County Courts	76,814	78,824
Criminal Court of the City of New York		
Arrest Cases	267,331	261,731
Summons Cases	105,152[a]	101,328
City and District Courts Outside New York City:		
Arrest Cases	233,023	221,128
Uniform Traffic Tickets	360,214[b]	360,214
Parking Tickets	594,448	594,448
CRIMINAL SUBTOTAL	1,636,982	1,617,673
CIVIL		
Supreme Courts:		
New Cases	171,813	161,918
Ex Parte Applications	126,222	126,222
Uncontested Matrimonial Cases	51,058	52,086
Civil Court of the City of New York:		
Civil Actions	173,767[c]	174,536[d]
Landlord/Tenant Actions and Special Proceedings	222,169[c]	243,785
Small Claims Cases	47,458	51,537
Commercial Claims	4,343	4,045
City and District Courts Outside New York City:		
Civil Actions	120,781	117,686[d]
Landlord/Tenant Actions and Special Proceedings	57,309	61,778
Small Claims	50,431	50,858
Commercial Claims	12,887	12,386
County Courts	13,229	13,713
Court of Claims	2,107	1,727
Arbitration Program	4,509[e]	4,731
Small Claims Assessment Review Program	27,690	19,638
CIVIL SUBTOTAL	1,081,264	1,096,646
FAMILY	586,770	591,441
SURROGATES	120,608	107,830[f]
TOTAL	3,425,624	3,413,590

[a] Calendared summonses only. An additional 85,264 summonses were filed in which defendant did not appear.

[b] The disposition figure is used as intake. An additional 81,530 traffic tickets were filed in which defendant did not respond.

[c] Calendared cases and default judgments only. An additional 40,571 civil actions were filed but not calendared or defaulted; an additional 110,243 landlord- tenant cases were filed but not calendared or defaulted.

[d] Does not include dispositions in the Arbitration Program.

[e] Shown here for reference only and not included in totals.
Included as intake in the civil courts listed above.

[f] Surrogates' Court dispositions include orders signed, and decrees signed.

Table 3
DEFENDANT-INDICTMENTS FILED AND DISPOSED AND TRIALS COMMENCED
By Judicial District
1992

Judicial District	*Filings*	*Dispositions*	*Trials Commenced*
New York City:			
1st	16,650	17,053	1,140
2nd	14,970	14,859	1,133
11th	9,484	9,859	603
12th	9,679	9,700	667
Subtotal	(50,783)	(51,471)	(3,543)
Outside New York City:			
3rd	1,902	1,999	139
4th	1,691	1,990	91
5th	2,967	3,091	143
6th	1,739	1,835	114
7th	3,571	3,605	282
8th	3,597	3,886	283
9th	4,023	3,934	205
10th - Nassau	3,141	3,613	184
10th - Suffolk	3,400	3,400	139
Subtotal	(26,031)	(27,353)	(1,580)
Statewide Total	76,814	78,824	5,123

Table 4
DEFENDANT-INDICTMENTS FILED AND DISPOSED AND TRIALS COMMENCED:
Supreme and County Courts with
400 or More Filings or Dispositions, 40 or More Trials in 1992

County	*Filings*	*County*	*Dispositions*	*County*	*Trials Commenced*
New York	16,650	New York	17,053	New York	1,140
Kings	14,408	Kings	14,298	Kings	1,108
Bronx	9,679	Queens	9,859	Bronx	667
Queens	9,484	Bronx	9,700	Queens	603
Suffolk	3,400	Nassau	3,613	Monroe	210
Nassau	3,141	Suffolk	3,400	Erie	195
Erie	2,229	Erie	2,389	Nassau	184
Westchester	2,202	Westchester	2,209	Westchester	144
Monroe	2,043	Monroe	2,022	Suffolk	139
Onondaga	1,391	Onondaga	1,374	Albany	82
Oneida	799	Oneida	850	Onondaga	82
Orange	780	Broome	770		
Broome	735	Albany	704		
Albany	638	Orange	635		
Richmond	562	Richmond	561		
Dutchess	531	Chautauqua	502		
Chautauqua	438	Schenectady	491		
		Dutchess	481		
		Rockland	433		
Total	69,110	Total	71,344	Total	4,554
(90% of statewide 1992 filings)		(91% of statewide 1992 dispositions)		(89% of statewide 1992 trials commenced)	

Figure 3
FELONY DISPOSITIONS
By Type Of Disposition
1992

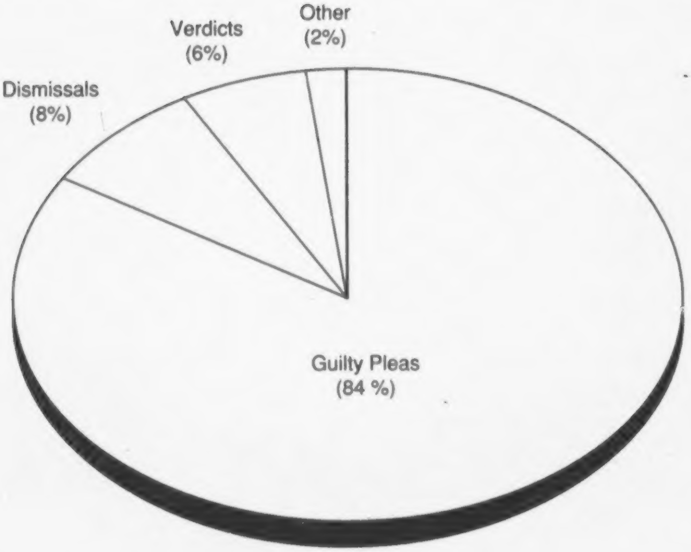

Figure 4
CRIMINAL CASES IN TRIAL COURTS OF LIMITED JURISDICTION
1992

Criminal Court of the City of New York

Arrest Cases

Filings	267,331
Dispositions	261,731

Summons Cases

Filings	105,152[a]
Dispositions	101,328

City and District Courts Outside New York City

Criminal Cases

Filings	233,023
Dispositions	221,128

Traffic Tickets[b]

Dispositions	360,214

Parking Tickets

Dispositions	594,448

[a] An additional 85,264 summonses were filed in which defendant did not appear.
[b] An additional 81,530 traffic tickets were filed and not answered.

2.3 Civil Cases

Civil cases are processed in the trial courts as follows: The Supreme Courts hear cases involving damages claimed above the financial jurisdictional limits of the courts of limited jurisdiction and also hear matrimonial, tax certiorari, condemnation, and other specialized cases. The courts of limited jurisdiction are the Civil Court of the City of New York; City Courts outside New York City; District Courts of Nassau and Suffolk; County Courts; and Town and Village Courts outside New York City. These courts hear cases involving damages as well as landlord/tenant, housing code enforcement, and other matters, including cases transferred from Supreme Court pursuant to CPLR Section 325(d). The jurisdictional limit of the City and District Courts outside of New York is $15,000; the Civil Court of the City of New York as well as the County Courts hear cases involving damages to a maximum of $25,000. Thirty-one counties operate a mandatory Arbitration Program. The jurisdictional limit is $6,000 or less outside New York City, $10,000 or less in New York City.

The Court of Claims, which is a specialized (not a "limited") jurisdiction court, hears civil cases involving claims against the State of New York.

1. Civil Term of Supreme Court

Filings: Statewide, 349,093 new civil matters were filed[a] in 1992. Table 5 shows a breakdown by judicial district.

New filings on the civil trial calendars (notes of issue) totaled 61,970 in 1992. Table 6 shows a breakdown by judicial district. Table 6 shows counties with 500 or more note of issue filings. The seventeen counties in this category accounted for 90% of all new note of issue filings.

Figure 5 shows statewide note of issue filings in Supreme Court by case type (not including uncontested matrimonial cases). Tort cases, including medical malpractice, accounted for 56%; 15% of filings were contested matrimonial cases; contract cases accounted for 8%; 12% were tax certiorari cases.

Dispositions: Statewide, there were 340,226 dispositions of civil matters in 1992. Table 5 shows dispositions by judicial district.

Dispositions of notes of issue totaled 59,504 in 1992. As shown in Table 6, eighteen counties with more than 500 note of issue dispositions accounted for 89% of note of issue dispositions statewide.

Table 5 shows that 11,363 civil-case trials were commenced in 1992. There were 5,340 jury trials (47%) and 6,023 nonjury trials (53%).

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[a] Includes new cases (R.J.I.s, writs of habeas corpus, initial orders to show cause), exparte applications and uncontested matrimonials.

Table 5
CIVIL MATTERS FILED AND DISPOSED AND TRIALS COMMENCED IN SUPREME COURT
By Judicial District
1992

Judicial District	*Filings*	*Dispositions*	*Trials Commenced*
New York City:			
1st	75,630	79,866	1,419
2nd	38,946	33,073	1,268
11th	28,910	20,432	1,150
12th	20,630	18,434	413
Subtotal	(164,116)	(151,805)	(4,250)
Outside New York City:			
3rd	15,542	16,559	615
4th	9,618	9,950	472
5th	18,289	17,991	1,113
6th	7,517	7,982	361
7th	15,159	17,083	399
8th	17,253	17,467	435
9th	37,614	38,879	1,311
10th - Nassau	31,828	31,551	1,237
10th - Suffolk	32,157	30,959	1,170
Subtotal	(184,977)	(188,421)	(7,113)
Statewide Total	349,093	340,226	11,363

Table 6

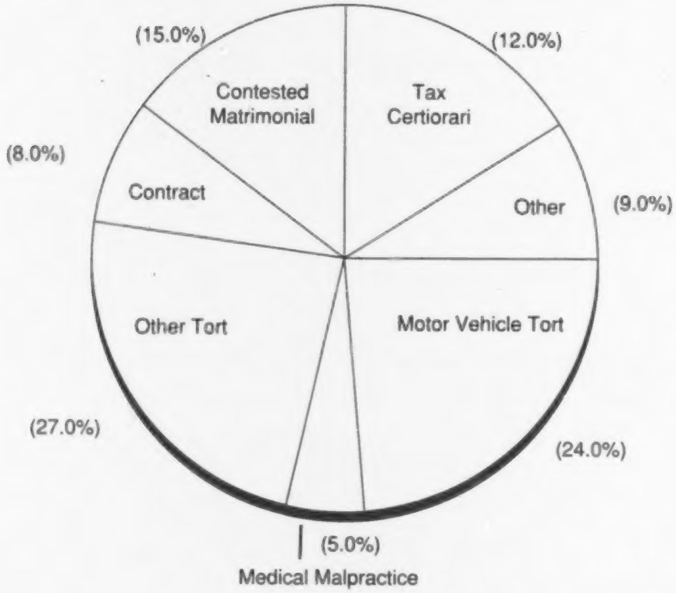
NOTES OF ISSUE FILED AND DISPOSED AND TRIALS COMMENCED IN SUPREME COURTS:

500 Or More Filings Or Dispositions, 100 Or More Trials In 1992[a]

County	*Filings*	*County*	*Dispositions*	*County*	*Trials Commenced*
New York	8,352	Nassau	9,308	New York	1,419
Nassau	8,198	New York	8,248	Nassau	1,237
Kings	7,450	Kings	6,678	Suffolk	1,170
Queens	5,813	Queens	4,878	Kings	1,158
Westchester	4,377	Bronx	3,518	Queens	1,150
Bronx	4,091	Suffolk	3,484	Westchester	670
Suffolk	3,910	Westchester	3,445	Onondaga	535
Erie	3,279	Erie	3,106	Bronx	413
Monroe	1,574	Albany	1,645	Albany	329
Onondaga	1,373	Monroe	1,632	Oneida	326
Orange	1,342	Onondaga	1,350	Orange	307
Rockland	1,295	Orange	1,137	Erie	261
Richmond	1,149	Rockland	1,029	Monroe	230
Albany	1,092	Richmond	988	Rockland	179
Oneida	831	Oneida	784	Oswego	141
Dutchess	802	Dutchess	704	Schenectady	139
Niagara	633	Niagara	620	Broome	123
		Schenectady	532	Richmond	110
Total (90% of statewide 1992 filings)	55,561	Total (89% of statewide 1992 dispositions)	53,086	Total (87% of statewide 1992 trials commenced)	9,897

a Excludes uncontested matrimonials.

Figure 5
NOTES OF ISSUE FILED IN SUPREME COURT
By Case Type*
1992



*Excludes uncontested matriomonial cases.

2. Civil Courts of Limited Jurisdiction

Civil Court of the City of New York: In 1992, there were 214,338 civil-action summonses filed. Of that number, 28,365 were added to the civil-action calendar. There were 29,134 calendared dispositions. In addition, 145,402 default judgments were entered. (The balance of 40,571 cases were neither defaulted nor added to the calendar.)

A total of 47,458 small claims cases were filed in 1992. There were 51,537 dispositions.

A total of 4,343 commercial claims cases were filed in 1992. There were 4,045 dispositions.

For landlord-tenant cases, 321,406 notices of petition were issued in summary proceedings. There were 153,307 summary proceedings added to the calendar and 174,143 disposed. Of the cases not answered, 57,856 default judgments were entered. (The balance of 110,243 cases were neither defaulted nor added to the calendar.)

Filings of housing code enforcement matters totaled 9,259. There were 10,063 dispositions.

City and District Courts Outside New York City:

In 1992, 120,781 civil actions and 60,296 housing cases were filed. There were 117,686 dispositions of civil actions and 61,778 housing case dispositions. In addition, there were 4,023 transfers to the Arbitration Program.

There were 50,431 small claims cases filed and 50,858 disposed.

There were 12,887 commercial claims cases filed and 12,386 disposed.

County Courts: New cases filed in 1992 totaled 13,229. There were 13,713 dispositions in 1992.

Court of Claims: Filings totaled 2,107 in 1992. There were 1,727 dispositions.

Arbitration Program: Thirty-one counties operate a mandatory Arbitration Program for cases involving damages claimed of $6,000 or less. Statewide, 4,509 cases were received for arbitration in 1992. There were 4,731 dispositions in 1992, with 539 demands for trial *de novo*, a rate of 11%.

See Figure 6 for civil case activity in the courts of limited jurisdiction. Table 7, following this figure, shows details of the Arbitration Program by county.

Figure 6
CIVIL CASES IN TRIAL COURTS OF LIMITED JURISDICTION
1992

Civil Court of the City of New York

Housing Cases

Summary Proceedings

Filings[a]	211,163
Dispositions	231,999

Other Actions and Proceedings:

Filings	11,006
Dispositions	11,786

Civil Cases

Filings[b]	173,767
Dispositions	174,536

Small Claims

Filings	47,458
Dispositions	51,537

Commercial Claims

Filings	4,343
Dispositions	4,045

City and District Courts Outside New York City

Civil Cases and Housing Cases

Filings	178,090
Dispositions[c]	179,464

Small Claims

Filings	50,431
Dispositions	50,858

Commercial Claims

Filings	12,887
Dispositions	12,386

County Courts

Filings	13,229
Dispositions	13,713

Court of Claims

Filings	2,107
Dispositions	1,727

Arbitration Program

Filings	4,509
Dispositions	4,731

[a] An additional 110,243 filings were neither added to the calendar nor defaulted.
[b] An additional 40,571 filings were neither added to the calendar nor defaulted.
[c] Does not include 4,023 referrals to Arbitration Program.

Table 7
INTAKE, DISPOSITIONS, AND TRIALS DE NOVO IN ARBITRATION PROGRAM
1992

	Intake	*Dispositions*	*Demands for Trial de Novo*	*De Novo Rate*
1st Judicial District:				
New York	0	0	0	0
2nd Judicial District:				
Kings	0	0	0	0
3rd Judicial District:				
Albany	30	44	4	9%
Rensselaer	20	19	0	0%
Ulster	21	21	0	0%
4th Judicial District:				
Schenectady	20	0	0	0%
5th Judicial District:				
Oneida	66	61	2	3%
Onondaga	232	256	26	10%
6th Judicial District:				
Broome	26	31	5	16%
Chemung	1	6	1	17%
Schuyler	0	0	0	0%
Tompkins	25	19	1	5%
7th Judicial District:				
Cayuga	6	9	0	0%
Livingston	11	9	0	0%
Monroe	433	548	59	11%
Ontario	16	16	1	6%
Seneca	5	3	0	0%
Steuben	10	10	0	0%
Wayne	5	7	0	0%
Yates	3	3	2	67%
8th Judicial District:				
Erie	379	376	34	9%
Niagara	70	46	5	11%
9th Judicial District:				
Dutchess	17	11	0	0%
Orange	22	3	0	0%
Putnam	12	2	0	0%
Rockland	33	21	0	0%
Westchester	236	230	0	0%
10th Judicial District:				
Nassau	1,534	1,530	315	21%
Suffolk	1,276	1,450	84	6%
11th Judicial District:				
Queens	0	0	0	0%
12th Judicial District:				
Bronx	0	0	0	0%
Statewide Total	4,509	4,731	539	11%

Small Claims Assessment Review Program

New York State law provides that owners of a one-, two-, or three-family owner-occupied residence can appeal their real property assessments. When an individual is not satisfied with the outcome of an appeal to the local Board of Assessment Review, he or she may file a petition for hearing in Supreme Court.

In 1992, there were 27,690 filed and 19,638 dispositions. Table 8 shows data for each judicial district.

Table 8
SMALL CLAIMS ASSESSMENT REVIEW FILINGS AND DISPOSITIONS
By Judicial District
1992

	Filings	*Dispositions*	*Pending*
New York City:			
1st	14	1	14
2nd	92	40	98
11th	20	9	20
12th	14	15	1
Subtotal	140	65	133
Outside New York City:			
3rd	1,257	1,589	69
4th	711	949	21
5th	472	887	32
6th	236	239	3
7th	313	320	0
8th	216	215	1
9th	4,608	4,293	2,028
10th-Nassau	14,357	8,265	13,376
10th-Suffolk	5,380	2,816	4,481
Subtotal	27,550	19,573	20,011
Statewide	27,690	19,638	20,144

2.4 Family Courts

The Family Courts reported 586,770 cases filed in 1992. Of these, 210,575 (36%) were filed in New York City. The remaining 376,195 (64%) were filed outside New York City.

There were 591,441 cases disposed in 1992. The total in New York City was 215,249 (36%); outside New York City, the total was 376,192 (64%).

A breakdown of filings and dispositions is contained in Table 9

New York State law requires the Chief Administrator of the Courts to report to the State Legislature highly detailed data regarding the nature and outcome of petitions for juvenile delinquency, persons in need of supervision, child protective proceedings, and family offense proceedings. The data are in Appendix 2.

2.5 Surrogates' Courts

In 1992, there were 120,608 petitions filed. Surrogates' Court dispositions in 1992 totaled 107,830, including orders signed and decrees signed. See Table 10

2.6 Appellate Courts

Tables 11, 12, 13 and 14 show 1992 caseload activity in the appellate courts.

Table 9
FILINGS AND DISPOSITIONS IN FAMILY COURTS
Statewide By Type Of Petition
1992

TYPE OF PETITION	*STATE*		*NYC*		*OUTSIDE NYC*	
	Filings	*Dispositions**	*Filings*	*Dispositions**	*Filings*	*Dispositions**
Permanent Neglect	6,975	7,246	5,241	5,577	1,734	1,669
Child Protective (Neglect & Abuse)	23,734	26,385	11,878	13,878	11,856	12,507
Juvenile Delinquency	17,193	17,840	5,798	6,365	11,395	11,475
Designated Felony	1,090	995	814	720	276	275
Persons in Need of Supervision	8,989	9,056	2,935	2,682	6,054	6,374
Adoption	5,520	5,058	2,565	2,320	2,955	2,738
Adoption Certification	1,158	1,003	397	368	761	635
Surrender of Child	2,038	1,980	1,032	984	1,006	996
Guardianship	2,891	2,707	1,859	1,717	1,032	990
Custody of Minors	72,212	71,520	20,960	20,507	51,252	51,013
Foster Care Review	3,542	3,614	814	816	2,728	2,798
Approval for Foster Care	3,365	3,325	1,878	1,819	1,487	1,506
Physically Handicapped	14,177	13,622	5,492	5,377	8,685	8,245
Family Offense	50,377	49,852	26,107	25,755	24,270	24,097
Paternity	64,086	63,456	29,860	29,297	34,226	34,159
Support	61,369	65,016	15,561	17,005	45,808	48,011
Uniform Support of Dependents Law	18,522	17,021	6,897	6,309	11,625	10,712
Consent to Marry	127	139	30	30	97	109
Other	1,018	430	37	112	981	318
Supplementary	228,387	231,176	70,420	73,611	157,967	157,565
TOTAL	586,770	591,441	210,575	215,249	376,195	376,192

* Petition type may change between filing and disposition

Table 10
CASELOAD ACTIVITY IN SURROGATES' COURTS STATEWIDE
1992

Number of Proceedings By Case Type	Petitions Filed	Citations (Returnable)	Orders to Show Cause Filed	Guard Ad Litem Appointed	Answers Objections Filed	Bonds Filed	Bonds Dispensed With	Trial Notes of Issue Filed	Orders Signed	Decrees Signed	Letters Issued	Misc.
1. Probate	44,744	11,300	688	2,950	737	819	4,067	129	14,235	37,056	39,769	16,161
2. Administration	11,889	2,331	154	208	199	2,600	5,118	13	2,228	10,180	11,127	4,035
3. Voluntary Admin.	14,365	15,742			5							5,071
4. Accounting	17,758	4,964	542	1,192	682	88	891	89	4,061	4,009		53,320
5. Inter Vivos Trust	216	100	6	39	1	2	3		183	128		145
6. Miscellaneous	8,171	3,295	2,055	578	634	240	1,104	70	12,043	2,069		4,509
7. Guard/Conserv.	15,301	1,834	194	698	72	156	1,651	41	10,500	5,607	4,377	5,421
8. Adoption	2,650	616	100	107	25			3	4,512		1,831	2,499
9. Estate Tax	5,514		64						1,019			3,063
10.Total(1-9)	120,608	40,182	3,803	5,772	2,355	3,905	12,834	345	48,781	59,049	57,104	94,224

B. SURROGATE, LAW DEPARTMENT AND LAW CLERK:

8A. Number of hearings commenced by surrogate	
B. Number of trials commenced by surrogate	
11. Trials and hearings commenced by surrogate	8,079
12. Referee hearings commenced	2,119
13. Conferences comm. by law department or law clerk:	68,324
14. Conf. on legal matters comm. by chief clerk	68,267
15. Examinations held	2,608
16. Written decisions	12,677
17. Opinions and memoranda issued	8,610

OTHER:

18. Certificate issued	418,418
19. Annual guard/conserv. acctgs.	17,213
20. Wills filed for safekeeping	11,963
21. Files requisitioned	491,869
22. Pages certified	111,865
23. Exemplifications	3,868
24. Searches completed	10,111
25. Witnesses examined by clerk	2,450
26. Inventories filed pursuant to UCR 207.20	20,771
27. Statements filed pursuant to UCR 207.59	954
28. Persons adopted	1,817
29. Estate tax returns filed	16,993
30. Uncertified pages (photocopies)	246,524
31. File numbers issued	71,911

Table 11
CASELOAD ACTIVITY IN THE COURT OF APPEALS
1992

Applications Decided [CPL 460.20 (3:b)]	2,822
Records on Appeal Filed	280
Oral Arguments (Includes Submissions)	297
Motions Decided	1,338
Judicial Conduct Determinations Reviewed	2
Appeals Decided	306

Table 12
DISPOSITIONS OF APPEALS DECIDED IN THE COURT OF APPEALS
By Basis Of Jurisdiction
1992

Basis of Jurisdiction	*Affirmed*	*Reversed*	*Modified*	*Dismissed*	*Other*	*Total*
All Cases:						
Reversal, Modification, Dissent in Appellate Division	15	7	2	1	-	25
Permission of Court of Appeals or Judge Thereof	90	48	23	2	-	163
Permission of Appellate Division or Justice Thereof	59	23	5	7	-	94
Constitutional Question	6	4	1	-	-	11
Stipulation for Judgment Absolute	1	-	-	-	-	1
Other	1	2	-	-	9	12
Total	172	84	31	10	9	306
Civil Cases:						
Reversal, Modification, Dissent in Appellate Division	15	7	2	1	-	25
Permission of Court of Appeals or Judge Thereof	45	16	12	-	-	73
Permission of Appellate Division or Justice Thereof	33	14	4	-	-	51
Constitutional Question	6	4	1	-	-	11
Stipulation for Judgment Absolute	1	-	-	-	-	1
Other	1	2	-	-	9	12
Total	101	43	19	1	9	173
Criminal Cases:						
Reversal, Modification, Dissent in Appellate Division	-	-	-	-	-	-
Permission of Court of Appeals or Judge Thereof	45	32	11	2	-	90
Permission of Appellate Division or Justice Thereof	26	9	1	7	-	43
Constitutional Question	-	-	-	-	-	-
Other	-	-	-	-	-	-
Total	71	41	12	9	0	133

Table 13
CASELOAD ACTIVITY IN THE APPELLATE DIVISION
1992

	First Department	*Second Department*	*Third Department*	*Fourth Department*	*Total*
Records on Appeal Filed	3,322	4,551	1,641[1]	1,673	11,187
Dispositions of Appeals:					
Disposed Before Argument or Submission (e.g. Dismissed Withdrawn, Settled)	368	683	139	42	1,232
Disposed After Argument or Submission:					
Affirmed	2,145	2,970	984	1,181	7,280
Reversed	390	458	224	275	1,347
Modified	246	261	195	185	887
Dismissed	62	345	39	91	537
Other	140	173	4	14	331
Subtotal	2,983	4,207	1,446	1,746	10,382
Total Dispositions	3,351	4,890	1,585	1,788	11,614
Oral Arguments	1,256	1,529	832	1,258	4,875
Motions Decided	6,484	12,506	4,267	2,863	26,120
Admission to Bar	2,214	2,567	1,355	405	6,541
Attorney Disciplinary Proceedings Decided	63	100	36	41	240

[1] An additional 120 civil cases were transferred in from the Second Department

Table 14
CASELOAD ACTIVITY IN THE APPELLATE TERMS
1992

	First Department	*Second Department*	*Total*
Records on Appeal Filed	598	1,494	2,092
Dispositions of Appeals:			
Disposed Before Argument or Submission (e.g. Dismissed Withdrawn, Settled)	61	823	884
Disposed After Argument or Submission:			
Affirmed	210	346	556
Reversed	132	276	408
Modified	132	99	231
Dismissed	31	30	61
Other	5	12	17
Subtotal	510	763	1,273
Total Dispositions	571	1,586	2,157
Oral Arguments	352	280	632
Motions Decided	2,201	2,763	4,964

2.7 Community Dispute Resolution Centers Program

Chapter 847 of the Laws of 1981 created the Community Dispute Resolution Centers program. These centers have provided an alternative to court for the resolution of criminal and civil disputes.

Case workload in each center includes walk-in clients and referrals from courts and other agencies. Dispositions include cases conciliated without mediation, cases mediated, and cases arbitrated. Certain cases are determined to be inappropriate for mediation and are referred to other agencies.

In 1992, there were 44,536 cases deemed appropriate for mediation and 24,467 dispositions. Table 15 shows the breakdown of intake and dispositions for each center.[5]

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[5] The program publishes an annual report with full details of caseload activity.

Table 15
COMMUNITY DISPUTE RESOLUTION CENTERS PROGRAM
Workload By County
1992

County/Program	*(1) Cases Screened Appropriate For Mediation*	*(2) Concil-iations*	*(3) Medi-ations*	*(4) Arbi-trations*	*(5) Total Con/ Med/Arb [2+3+4]*
Albany: Dispute Mediation Program	822	19	695	4	718
Allegany: Dispute Settlement Center	38	20	2	0	22
Bronx: Inst. for Med. & Conflict Resolution	3,159	116	1,149	52	1,317
Broome: Accord	844	126	188	0	314
Cattaraugus: Dispute Settlement Center	268	107	17	3	127
Cayuga: Dispute Resolution Center	64	9	18	0	27
Chautauqua: Dispute Settlement Center	388	81	42	1	124
Chemung: Neighborhood Justice Project	980	518	213	2	733
Chenango: Dispute Resolution Center	106	23	41	0	64
Clinton: NY Center For Conflict Resolution	121	8	91	2	101
Columbia: Common Ground	158	48	23	0	71
Cortland: New Justice	51	3	17	0	20
Delaware: Dispute Resolution Center	129	20	50	0	70
Dutchess: Community Dispute Resolution Center	615	74	296	0	370
Erie: Dispute Settlement Center	4,331	2,110	658	207	2,975
Essex: Center For Conflict Resolution	83	26	26	2	54
Franklin: Center For Conflict Resolution	49	3	21	0	24
Fulton: Tri-County Mediation Center	79	3	23	0	26
Genessee: Dispute Settlement Center	90	15	10	25	50
Greene: Common Ground	357	128	56	0	184
Hamilton: Center For Conflict Resolution	3	0	0	0	0
Herkimer: Community Dispute Resolution Program	317	198	27	0	225
Jefferson: Community Dispute Resolution Center	483	190	44	0	234
Kings: Vicitm Services Agency	7,141	148	2,936	2	3,086
Lewis: Community Dispute Resolution Center	69	27	3	0	30
Livingston: Center For Dispute Settlement	232	28	130	1	159
Madison: New Justice	55	1	16	0	17
Monroe: Center For Dispute Settlement	1,185	237	304	36	577
Montgomery: Tri-County Mediation Center	72	2	40	0	42
Nassau: Mediation Alternative Project	3,226	0	2,177	0	2,177
Niagara: Dispute Settlement Center	205	25	94	16	135
New York: Inst. for Mediation & Conflict Resolution	3,140	314	1,264	42	1,620
New York: Wash. Heights-Inwood Coalition	287	42	114	0	156
Oneida: Community Dispute Resolution Program	740	251	180	89	520
Onondaga: New Justice	447	114	97	0	211
Onondaga: Volunteer Center	341	46	125	0	171
Ontario: Center For Dispute Settlement	236	46	99	3	148
Orange: Mediation Project	364	50	195	0	245
Orleans: Dispute Settlement Center	8	2	1	0	3
Oswego: New Justice	105	25	39	0	64
Otsego: Mediation Services, Inc.	331	54	103	3	160
Putnam: Mediation Program	41	1	27	0	28
Queens: Victim Services Agency	3,751	173	1,597	0	1,770
Rennselaer: Community Dispute Settlement	184	49	50	0	99
Richmond: Dispute Resolution Center	1,998	278	938	0	1,216
Rockland: Volunteer Mediation Center	143	2	106	1	109
St. Lawrence: Center For Conflict Resolution	434	242	23	0	265
Saratoga: Dispute Settlement Program	413	57	123	0	180
Schenectady: Community Dispute Settlement	395	2	145	1	148
Schoharie: Tri-County Mediation Center	143	50	21	0	71
Schuyler: Neighborhood Justice Project	274	176	19	0	195
Seneca: Center For Dispute Settlement	35	14	8	0	22
Steuben: Neighborhood Justice Project	978	503	155	0	658
Suffolk: Community Mediation Center	483	49	175	0	224
Sullivan: Mediation Services	148	21	51	1	73
Tioga: Accord	270	50	105	0	155
Tompkins: Community Dispute Resolution Center	692	193	155	0	348
Ulster: Mediation Services	299	57	157	0	214
Warren: Adirondack Mediation	73	11	31	0	42
Washington: Dispute Settlement Program	253	20	106	0	126
Wayne: Center For Dispute Settlement	177	17	59	0	76
Westchester: Mediation Center	1,587	720	317	1	1,038
Wyoming: Dispute Settlement Center	19	8	4	3	15
Yates: Center For Dispute Settlement	27	8	15	1	24
Total	44,536	7,958	16,011	498	24,467

2.8 Standards and Goals

Since 1975, Standards and Goals of the Chief Administrator of the Courts have provided performance measures for the courts for elapsed time to disposition for felony cases in the Supreme and County Courts, civil cases in the Supreme Courts, and for proceedings in the Family Courts.[6]

Felony Cases: The standard is disposition within six months from filing of indictment, excluding periods when a case is not within the active management control of the court (e.g., warrant outstanding).

During 1992, 83% of felony case dispositions statewide were achieved within the six-month standard.

Civil Cases: The standard is disposition within fifteen months from the filing of note of issue. During 1992, 78% of note of issue dispositions statewide were achieved within this standard.

Family Court: The standard is disposition within 180 days of the commencement of the proceeding, excluding periods when a case is not within the active management control of the court (e.g., warrant outstanding). During 1992, 96% of dispositions statewide were reached within the standard.

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[6] See Standards and Goals memorandum of the Chief Administrator of the Court of 2/28/79, containing revisions approved by the Administrative Board of the Courts 1/25/79 to Standards and Goals adopted in 1975.

Chapter 3

Education and Training Programs

In 1992, more than 3,000 judges and justices attended Office of Court Administration sponsored judicial education programs. In the area of non-judicial training, more than 2,800 persons attended programs sponsored or financed by the Office of Court Administration.

3.1 Judicial Programs For State-Paid Judges

3.1.1 Planning 1992 Judicial Seminars

3.1.1.1 Program and Activities

The Education and Training Office consulted with the Chairs of the six summer judicial seminar curriculum development committees (Civil, Criminal, Judicial Skills, Family Law, Evidence and Surrogates) concerning the preferred methodology for maximum continuing judicial education impact in light of New York State's severe continuing fiscal constraints. It was later decided that the Education and Training Office should develop and implement 12 one day "Legal Update" commuter programs around the state.

The programs were offered as follows:

Albany	July 7, 1992
Garden City	July 7, 1992
Syracuse	July 8, 1992
Rye (White Plains)	July 8, 1992
Amherst (Buffalo)	July 9, 1992
Rye (White Plains)	July 9, 1992
Albany	July 14, 1992
Garden City	July 14, 1992
Syracuse	July 15, 1992
Rye (White Plains)	July 16, 1992
Amherst (Buffalo)	July 16, 1992
Rye (White Plains)	July 17, 1992

Each program consisted of a half-day series of electives (Civil Law and Procedure Update, Criminal Law and Procedure Update and Family Law Update), and a half-day plenary session (Evidence Update).

3.1.2 Orientation Program For Newly-Elected and Newly-Appointed Judges - December 7 to 11, 1992

The orientation program for Newly-Elected and Newly-Appointed Judges was held in New York City from December 7 - 11, 1992. Sixty-nine new judges or judges who moved up in rank attended the program.

The program was designed to allow judges who were elevated to the bench for the first time to attend the entire week of presentations, including an elective directly related to their judicial duties while judges who were changing courts, attended 3 program days to sharpen their judicial skills.

Presentations on the following courses were offered:

Bias in the Courts
The Trial Judges' Role
An Introduction to the Bench
Judicial Conduct
Topics for Local Courts (elective)
Presiding over Civil and Criminal IAS Parts and Settlement Skills (elective)
The Administrative Structure of the Courts
Judicial Writing
Criminal Jury Instructions
OCA Publications: Forms and other Topics of Interest
Family Court Practice and Procedure (elective)
The Courtroom Team: The Role of the Court Reporter, Court Clerk, Interpreter, Court Security Officer and Court Attorney
Juror Management
Suppression Law
Dealing with the Media
Criminal Law and Procedure
Civil Law and Procedure
Evidence

3.2 Town and Village Justice Training Program

There are approximately 2,300 Town and Village Justice positions in New York State. Because of vacancies and because some judges hold more than one position, approximately 2,050 individuals hold the office of Town and Village Justice. Roughly 80 percent of these are not admitted to practice law in the State. New justices who are not attorneys are required to successfully complete a six-day basic certification course covering the fundamentals of law and their responsibilities as judges. The basic course was presented once in Canton and Menands and twice in Liverpool in 1992. A total of 105 judges attended.

Since 1984, all Town and Village Justices must attend an advanced continuing judicial education program each year. In addition to the attendance requirement, all non-lawyer Town and Village Justices must pass an examination at the program.

The advanced course consists of two days of instruction covering selected legal topics. The curriculum in 1992 included:

Criminal and Civil Problem Solving
Criminal and Civil Motion Practice Including Post Judgment Motions
Back to Basics - V&T Offenses
New Legislation, Recent Caselaw and Recent Developments
DWI Jury Trials

In order to maintain the accessibility of the advanced course to the justices, programs were held in 30 locations around the state.

Nearly 145 judges, attorneys, and administrative personnel were enlisted to act as faculty and to administer the schedule. Due to the fiscal crisis, the faculty preparation meeting was not held in the Spring. Fall 1992 faculty were trained at a faculty preparation program in Syracuse. Faculty were provided with audiotapes of the presentations and reference materials to assist in the development of their presentations. Judges earned advanced certification for 2,248 judicial positions.

The Unified Court System is grateful to all of those who provided their time, energy and skill in successfully establishing and implementing this program, and particularly to the senior faculty members, the Honorable Eugene W. Salisbury, the Honorable Duncan S. MacAffer, and the Honorable John J. Elliott, for their efforts in training the faculty as well as for their continuing coordination of the basic course.

Thanks are also due to the following individuals for instructing and administering the 1992 advanced courses:

Noel Adler, Esq.
Honorable Timothy J. Alden
Honorable John J. Ark
Honorable Ann Armstrong
Honorable William Bacas
Warren W. Bader, Esq.
Ms. Allison Barnes
Honorable Edward J. Boyd, V
Mr. Ellis Bozzolo
Honorable David H. Brind
Honorable David M. Brockway
Honorable Lelan G. Brookins
Honorable Harvey R. Brown
Honorable Peter C. Buckley
Ms. Carolyn E. Burke
Honorable Helen Burnham
Honorable Christopher J. Burns
Mr. John A. Buturla
Honorable Ms. Sharlene Callahan
Donald Cappillino, Esq.
Ms. Patricia A. Caravella
Paul Carbonaro, Esq.
Honorable Chris A. Cernik
Honorable Luke M. Charde, Jr.
Catherine Charuk, Esq.
Honorable Frances A. Ciardullo
Honorable Lee Clary
Honorable Ms. Bonnie J. Coburn
Honorable Timothy J. Cooper
Mary Lou Crowley, Esq.
Honorable William A. Danaher, Jr.
Honorable Philip B. Dattilo, Jr.
Biagio J. DiStefano, Esq.
Michael Dick, Esq.
Maryrita Dobiel, Esq.
Donald Dodd, Esq.
Federick Dodge, II, Esq.
Honorable Margaret Doran
Ms. Cheryl Dove
Honorable Kevin M. Dowd
James K. Eby, Esq.
Honorable John J. Elliott
Honorable Sidney T. Farber
Richard Farina, Esq.
Honorable David K. Floyd
Honorable Michael Formoso
Mrs. Noama D. Gallagher
Honorable William Gee
Peter Gerstenzang, Esq.
Honorable Clarence F. Giles
Honorable Robert N. Going
Dennis Hawthorne, Jr., Esq.
Honorable J. Radley Herold
Mr. Ralph Hesson
Terry Horner, Esq.
Honorable James F. Hughes
Mr. Joseph R. Hughes
Honorable Robert G. Hurlbutt
Honorable Philip G. Hutchins
Ms. Suzanne Jackovac
Ms. Patricia Jordan
Honorable Keith E. Kammerer
Honorable Ascher Katz
Honorable George S. Kepner, Jr.
Honorable Harold S. Klein
Honorable David B. Krogmann
John LaParo, Esq.
Ms. Theresa LaPoint
Honorable Peter M. Leavitt
Honorable H. Charles Livingston, Jr.
Honorable Duncan S. MacAffer
Honorable George D. Marlow

Michael McCartney, Esq.
William J. McClusky, Esq.
Mary McGowan, Esq.
Ms. Bonnie McJury
Richard H. McMahon, Jr., Esq.
Honorable Joseph B. Meagher
Honorable Jeffrey R. Merrill
Honorable James E. Morris
Honorable Bruce R. Moskos
Martin Muehe, Esq.
Honorable Michael Muller
James Nelson, Esq.
Honorable Robert Nydam
Thomas O'Neill, Esq.
Honorable Roger L. Paul
Honorable Ira Pergament
Honorable Robert V. Perry
Gerard J. Pisanelli, Esq.
Honorable Allan E. Pohl
Ms. Dorothy Potter
Honorable Roger N. Rector
Frederick G. Reed, Esq.
Honorable David Reed
Allan Reed, Esq.
Mr. Richard Reilly
Honorable Kenneth Resnik
John F. Richey
Kate Rosenthal, Esq.
Honorable Kevin K. Ryan
Honorable Eugene W. Salisbury
David Sall, Esq.
Honorable Henry Saxstein
Neal Schoen, Esq.
Brian C. Schu, Esq.
Honorable Walter M. Schwartz
Jeremy Scileppi, Esq.
Honorable M. John Sherman
Honorable Martin E. Smith
William Stanton, Esq.
Mr. David L. Sullivan
Honorable W. Howard Sullivan
Honorable R. Michael Tantillo
Gerald H. Taylor, Esq.
Honorable Irving Tenenbaum
Honorable Vera J. Thorton
Honorable Judith K. Towsley
Honorable William D. Walsh
Honorable Franklin J. Wendell
Honorable Daniel C. Wilson
Honorable Edwin B. Winkworth
Mark A. Wolber, Esq.

3.2.1 The Town and Village Justice Resource Center

The Town and Village Courts Resource Center was established to offer assistance to the over 2,300 justices and the clerks throughout New York State. In the third year of operation, the Resource Center has answered over 10,000 inquiries and provided research on legal issues including, but not limited to, small claims, civil and summary proceedings, criminal law, zoning ordinances, vehicle and traffic law, alcohol beverage control violations, fire code violations, etc. that arise under the jurisdiction of the Town and Village Justice Courts. Additional responsibilities of the Town and Village Courts Resource Center include keeping the justice courts apprised of new legislative amendments and current caselaw and to disseminate this information to the courts. The provision of mandatory specialized training for locally elected magistrates is an ongoing responsibility. The Resource Center also maintains a centralized research depository with respect to reference materials commonly used by the courts. The Resource Center is available to assist the courts with administrative issues such as questions concerning court facilities, equipment and recordkeeping.

3.3 Non-Judicial Programs

In 1992, employees continued to take advantage of existing programs. The Education and Training Unit recognizes that the workforce of the UCS and its environment are not static. Therefore, all programs are constantly re-evaluated, revised, and updated in order to meet the current needs of the workforce.

3.3.1 Annual Seminars

During the 1992 calendar year, the annual seminars were held on a shortened schedule. These one and one-half day programs offered general topics which were vital to all courts as well as specialized topics for individual courts. Some groups felt it worthwhile to extend the program by one full day at their own expense.

Law Librarians
June 16-17, 1992
Syracuse, NY

During this seminar the participants attended lectures focusing on the following: OCA Director's Update, Americans With Disabilities Act, Operations Manual Update, Collection Evaluation for Weeding, Legal Reference Materials, Computer Assisted Legal Research, and Internal Controls/Audit Update. Fifty-seven (57) participants attended this seminar.

Commissioners of Jurors
June 18-19, 1992
Syracuse, NY

During this seminar the participants attended lectures focusing on the following: OCA Director's Update, Americans With Disabilities Act, Operations Manual Update, Microcomputers Update, Internal Controls/Audit

Update, and Automation in the 21st Century. Fifty-five (55) participants attended this seminar.

Surrogates' Law Assistants
June 25-26, 1992
Syracuse, NY

During this seminar the participants attended lectures focusing on the following: OCA Director's Update, Internal Controls/Audit Update, Will Drafting, Case Discussions, and Legislative Amendments: EPTL/SCPA. Twenty-nine (29) participants attended this seminar.

Surrogates' Chief Clerks
August 19-21, 1992
Syracuse, NY

During this seminar the participants attended lectures focusing on the following: OCA Director's Update, Americans With Disabilities Act, Operations Manual Update, Microcomputers Update, Internal Controls/Audit Update, Legal Update, Wrongful Death, Conscious Pain and Suffering, Ancillary Proceedings, Conservator Proceedings, Common Procedural Problems, and Legislative Changes: EPTL/SCPA. Fifty-three (53) participants attended this seminar.

City and District Court Clerks
August 26-27, 1992
Syracuse, NY

During this seminar the participants attended lectures focusing on the following: OCA Director's Update, Americans With Disabilities Act, Operations Manual Update, Microcomputers Update, Internal Controls/Audit Update, and Legal Update. Sixty-four (64) participants attended this seminar.

Supreme and County Court Clerks
September 1-3, 1992
Syracuse, NY

During this seminar the participants attended lectures focusing on the following: OCA Director's Update, Americans With Disabilities Act, Operations Manual Update, Computer Update (Micros and Mainframe Users), Court Facilities Update, Employee Benefits, Communications Office Update, Daily Operations and Procedures, Internal Controls/Audit Update, and Legal Update. Eighty-two (82) participants attended this seminar.

Family Court Clerks
September 2-4, 1992
Syracuse, NY

During this seminar the participants attended lectures focusing on the following: OCA Director's Update, Americans With Disabilities Act, Operations Manual Update, Computer Update (Microcomputers and Mainframe Users), Internal Controls/Audit Update, Legislative Update and Form Revisions, Staffing Profiles and Reclassification, Family Court Advisory & Rules, and Sexual Harassment. Eighty-five (85) participants attended this seminar.

3.3.2 Non-Judicial Training

Executive Management Seminar
October 8-9, 1992
White Plains, NY

At this seminar the NYC Chief Clerks, Executive Assistants, and OCA Unit Heads were introduced to the practical aspects of quality management through participation as well as methods to increase their skills in performance management. Attendees interacted in application exercises, case studies, and group presentations. Thirty-eight (38) participants attended this training seminar.

Anti-Bias Discrimination Panel Training

The purpose of this program is to prepare employees to act as intermediaries when taking discrimination complaints. This training program provides: a clear understanding of what constitutes discriminatory treatment; the roles and responsibilities of intermediaries in handling bias problems; and problem solving strategies for responding to informal complaints. One hundred sixty-three (163) employees attended this one-day session during the 1992 calendar year.

Anti-Bias Discrimination Panel Training Update

This program allows the participants the opportunity to review and master the changes that were made to the original curriculum. It also allows them the opportunity to refresh their presentation skills. Twelve (12) participants attended this one-day session during the 1992 calendar year.

Performance Management/Evaluation Train-The-Trainer

This program allows the participants the opportunity to obtain the necessary skills to present the Performance Management/ Evaluation Program to court managers and supervisors throughout the system. Forty-three (43) employees attended this two and one-half day session during the 1992 calendar year.

Performance Management/Evaulation Train-The-Trainer Update

This program allows the participants the opportunity to review and master the changes that were made to the original curriculum. It also allows them the opportunity to refresh their presentation skills. Thirty-nine (39) participants attended this one-day session during the 1992 calendar year.

Performance/Management Evaluation

The purpose of this program is to acquaint court managers and supervisors with how to implement the uniform performance management/evaluation system. Participants are introduced to the skills necessary to give employees a full orientation to the duties and responsibilities required under their specific titles, and how to develop an open forum for dialogue between the supervisor and the employee. One hundred forty-eight (148) employees attended this one-day session during the 1992 calendar year.

Beginning WordPerfect 5.1

This program is designed to provide an overview of basic word processing concepts for the new user. Participants learn how to create, edit, print, and save and retrieve documents. Fourteen (14) employees attended this one-day session during the 1992 calendar year. Due to budgetary constraints this year, the Education and Training Unit developed a Self-Programmed Approach to WordPerfect 5.1 (Introduction) which was utilized by one hundred thirty-six (136) employees statewide.

Intermediate WordPerfect 5.1

This program is designed to expand on the basic word processing concepts and provide more detailed information and practice on WordPerfect 5.1's capabilities. Topics covered are: page formatting, page numbering, headers and footers, thesaurus, footnotes and endnotes, fonts, merge, switch screen, list files, windows, document summary, macros, and columns. Due to budgetary constraints this year, the Education and Training Unit developed a Self-Programmed Approach to WordPerfect 5.1 (Intermediate) which was utilized by three hundred eighty-three (383) employees statewide.

Cultural Diversity

The Cultural Diversity seminar is comprised of two programs. The first, Effective Delivery of Public Service in a Multicultural Community, offers participants an awareness of the changing population of the United States, New York State, and the Unified Court System. Participants are also given the opportunity to explore how preconceived notions may influence their behavior when assisting the public. Lastly, participants are given the opportunity to obtain unbiased skills to better interact with the public. Program II, Intercultural Understanding, gives participants the opportunity to examine their own cultural backgrounds so they may better understand themselves and the differences of the people with whom they work. Also discussed are the federal, state, and local laws and guidelines and practices that affect on-the-job discrimination. Four hundred eighty-one (481) employees attended this one-day seminar during the 1992 calendar year.

Legal Update

This program is for attorneys in the legal series. Participants attended lectures focusing on the following topics: Civil Law and Procedure Update, Criminal Law and Procedure Update, and Family Law Update. A plenary session (Evidence Update) was also conducted. Three hundred twenty-five (325) attended this one-day session during the 1992 calendar year.

Mission and Organization

The purpose of this program is to familiarize new employees with the structure of the Unified Court System. The objective is to have employees recognize the mission of the UCS and the important role that they play in the system. The participants are briefed on the rights, duties, and privileges of being a UCS employee. One hundred ninety-five (195) attended this one-day seminar during the 1992 calendar year.

Operations Manuals

Operations Manuals provide standardized procedures for every court and for every case type. Participants are introduced how to properly use the manual for procedural tasks as well as a reference tool. All manuals contain the approved procedures for the performance of information and records management, the records that each court can create, the content of each record, retention schedules, disposition methodologies, and material on related laws and rules. Twenty-three (23) attend this one-day seminar during the 1992 calendar year.

Sexual Harassment/Gender Bias

The purpose of this program is to inform participants about what sexual harassment is and provide them with prevention skills. Two hundred forty-four (244) employees attended this half-day seminar during the 1992 calendar year.

Pre-Retirement

This program allows potential retirees the opportunity to review a personal plan for retirement. Representatives from Social Security, the New York State Retirement System, and the health/insurance industry present important factual information. One hundred fifty (150) employees attended this one-day session during the 1992 calendar year.

3.3.3 Audio Video Department

The Audio/video department has given support, preserved educational seminars and initiated new productions during the past year.

We have continued to furnish equipment for programs conducted by Personnel, Court Security Services, Public

Information and Court Operational Services. Equipment included video playback equipment, slide projection, overheads and video and audio tape duplication facilities.

In the area of preservation, the department preserved the following programs: Supreme, Surrogate and Family Court Fiduciary Training held at the New York County Lawyers' Association in March and April of 1992; Town and Village Justice Train-the-Trainers Programs in March and September of 1992; one of the presentations made at the County Court Judges' Association Meeting in June of 1992; the entire Judicial Legal Update Program in July of 1992, both upstate and downstate programs; and the Budget and Legislative Package presentation made by Matthew Crosson, Chief Administrator, at the New York City Association of the Bar.

In the area of productions, the department produced, wrote, directed and delivered the pilot training video for the Operations Manual video training project. The tape deals with City and District Court Criminal Case Operations on the subject of file structure, receipt and review, case initiation and arraignments. This is the first in a series of tapes for this manual and sets the standard for videotaping of all future manuals. Production also began on a promotional video for the court tours program. Script consultation for a small claims arbitration tape for NYC Arbitrators and a method of instruction tape for the Town and Village Train-the-Trainers program have been continued and initiated respectively.

Chapter 4

Legislation and Rules Revision

Legislation

The Office of Counsel is the principal representative of the Unified Court System in the legislative process. In this role, it is responsible for developing the Judiciary's legislative program and for providing the legislative and executive branches with analyses and recommendations concerning legislative measures that may have an impact on the courts and their administrative operations. It also serves a liaison function with bar association committees, judicial associations and other groups, public and private, with respect to changes in court-related statutory law.

Counsel's Office staffs the Chief Administrator's advisory committees on civil practice, criminal law and procedure and family law. These committees formulate legislative proposals in their respective areas of concern and expertise for submission to the Chief Administrator. When approved by the Chief Administrator, they are transmitted to the Legislature, in bill form, for sponsors and legislative consideration.

Each advisory committee also analyzes other legislative proposals during the legislative session. Recommendations are submitted to the Chief Administrator who, through Counsel's Office, communicates with the Legislature and the Executive on such matters in the form of legislative memoranda and letters to Governor's Counsel.

Counsel's Office also is responsible for drafting legislative measures to implement recommendations made by the Chief Judge in the State of the Judiciary message, as well as measures required by the administrative office for the courts, including budget requests, adjustments in judicial compensation and measures to implement collective bargaining agreements negotiated with court employee unions pursuant to the Taylor Law. In addition, Counsel's Office analyzes other legislative measures that have potential impact on the administrative operation of the courts and makes recommendations to the Legislature and the Executive on such matters.

In the discharge of its legislation-related duties, Counsel's Office consults frequently with legislators, the professional staff of legislative committees and the Governor's Counsel for the purposes of generating support for the Judiciary's legislative program and providing technical assistance in the development of court-related proposals initiated by the executive and legislative branches.

During the 1992 legislative session, Counsel's Office, with the assistance of the Chief Administrator's advisory committees, prepared and submitted 24 new measures for legislative consideration. In addition, 125 measures were carried over from the 1991 session. Of the combined total of 149 measures, ultimately 11 were enacted into law. Also during the 1992 session, Counsel's Office furnished Counsel to the Governor with analyses and recommendations on 74 measures awaiting executive action, while the Legislature was supplied with written legislative memoranda on 20 measures.

The following is a summary of the measures submitted for introduction in the Legislature in 1992 at the request of the Judiciary and of the Office of Court Administration, together with those submitted for introduction in 1991 and carried over to 1992:

Measures Enacted into Law in 1992

Chapter 55 (Assembly bill 10565). Amends provisions of many Consolidated and Unconsolidated Laws in relation to State taxes and fees; and, among its provisions, includes amendment of section 527 of the Judiciary Law to provide that no civil penalty may be imposed upon a person for failing to return the juror qualification questionnaire or to respond to a jury service summons unless he or she first is served by first-class mail with a notice of noncompliance. Eff. 4/10/92.

Chapter 68 (Senate bill 7472). Amends section 2(5) of the Court of Claims Act to authorize new 9-year terms for certain paragraph b Court of Claims judgeships otherwise scheduled to expire during 1992. Eff. 4/28/92.

Chapter 85 (Senate bill 4576). Amends section 460.10(1)(a) of the Criminal Procedure Law to provide that an appeal from an order and sentence included in a judgment must be taken within 30 days after imposition of sentence. Eff. 8/15/92.

Chapter 100 (Assembly bill 395). Amends section 270.30 of the Criminal Procedure Law to increase from 4 to 6 the maximum number of alternate jurors in a superior court criminal trial. Eff. 11/1/92.

Chapter 103 (Assembly bill 6756). Amends section 185 of the State Finance Law to mandate that the annual filings required thereunder (relating to disposition of moneys paid into court and deposited with local finance officers) be made by County Treasurers and the New York City Commissioner of Finance with the Chief Administrator of the Courts. Eff. 5/21/92.

Chapter 216 (Assembly bill 10450-A). Amends the CPLR in relation to commencement of Supreme and County Court civil actions; and, among its provisions, includes amendment of section 1101 to facilitate the commencement of actions by poor persons. Eff. 7/1/92.

Chapter 249 (Senate bill 7258-A). Amends section 160.55(1) of the Criminal Procedure Law to correct an inadvertent change in the law, enacted in 1991, calling for the sealing of court records upon conviction of a noncriminal offense. Eff. 6/30/92.

Chapter 381 (Senate bill 8029-A). Amends rule 4518(c) of the CPLR in relation to certification of hospital records by the manager of the warehouse in which they are kept. Eff. 6/30/92.

Chapter 423 (Assembly bill 6747). Amends section 110(g) of the New York City Civil Court Act to provide that the 3-year term of office of members of the Housing Part Advisory Council of the Civil Court shall be non-renewable. Eff. 7/17/92.

Chapter 478 (Assembly bill 11692). Amends section 390 of the Judiciary Law, relating to interpreters for the deaf in judicial proceedings: (1) to make certain technical changes in the statutory text, and (2) to clarify that the cost of interpreter services for the deaf generated in the justice courts is a county charge. Eff. 7/17/92 [and deemed to have retroactive effect to 7/15/92].

Chapter 502 (Assembly bill 12388). Implements a collective bargaining agreement between the State and CSEA affecting nonjudicial court employees in the following collective negotiating units: state judiciary, third judicial district, fourth judicial district, fifth judicial district, sixth judicial district, seventh judicial district, eighth judicial district, Orange County, Dutchess County, Putnam County, city of Peekskill, city of New Rochelle, city of Mount Vernon, city of Port Jervis, city of Newburgh, city of Middletown, city of Poughkeepsie, city of Beacon, city of Rye, city of Glen Cove and city of Long Beach. Eff. 7/17/92 [and deemed to have retroactive effect to 4/1/91].

Measures Proposing Amendment of the Constitution Given First Passage in 1992

Constitutional Amendment - First Passage (Senate bill 7486). Would amend section 26(e) of Article VI of the State Constitution to permit temporary assignment of a Surrogate elected outside New York City to the Surrogate's Court in any county outside such City.

Measures Introduced in the 1991-92 Legislative Session and Not Enacted Into Law

Senate 4349-A/Assembly 10952. This measure would amend the Criminal Procedure Law to establish a true speedy trial rule in felony cases.

Senate 4369. This measure would amend the Criminal Procedure Law to effect broad reform of discovery in criminal proceedings.

Senate 3029-A/Assembly 6660-A. This measure would amend the Judiciary Law and the County Law to increase the rates of compensation for publicly-funded assigned counsel.

Assembly 6765. This measure would: (i) amend the Criminal Procedure Law to permit temporary separation of a deliberating jury; (ii) amend the Judiciary Law to eliminate all exemptions from jury duty; and (iii) amend the Criminal Procedure Law to reduce the number of peremptory challenges permitted in criminal cases.

Senate 4905/Assembly 7521. This measure would amend the Criminal Procedure Law to authorize the use of anonymous juries.

Senate 8041 and Senate 4471. The first of these measures would amend the Constitution to authorize an eleven-person jury in a criminal case where, after a jury retires to consider its verdict, the court discharges a juror. The second would implement this constitutional change by appropriate statutory revision.

Senate 6476. This measure would implement an amendment to the Constitution, proposed by this Office but not introduced, to abolish the requirement of a grand jury indictment in all felony cases.

Senate 4895/Assembly 7449. This measure would amend the Penal Law and the Criminal Procedure Law to subject persistent violent felons to a mandatory minimum sentence of 25 years.

Senate 4737/Assembly 10946. This measure would amend sections 260.20 and 340.50 of the Criminal Procedure Law to specify those situations during the course of a criminal trial in which a defendant's physical presence is not required.

Senate 5557-A/Assembly 8184. This measure would amend chapter 894 of the Laws of 1990 (authorizing use of electronic appearance in certain courts) to enable its implementation anywhere in New York City, Long Island and the Ninth Judicial District, and to cure problems with certain of its procedural provisions.

Senate 4579. This measure would amend the Criminal Procedure to restore and permanently maintain in the law the Misdemeanor Trial Law (formerly L. 1984, c. 673).

Senate 4384-A/Assembly 10935. This measure would establish a minor offense bureau in the New York City Criminal Court that would adjudicate non-criminal misdemeanors and non-printable offenses.

Senate 4752/Assembly 8023. This measure would modify the authority of Judicial Hearing Officers (JHOs) by: (i) amending the Criminal Procedure Law to permit assignment of JHOs to arraignment parts in the New York City Criminal Court, where they would exercise many, but not all powers now enjoyed by Criminal Court judges; (ii) permitting parties to a matrimonial action to stipulate to use of a JHO as a reference to hear and determine an issue therein; and (iii) amending CPLR 4107 to authorize a JHO to be present at *voir dire* in a civil action.

Senate 4609/Assembly 10944. This measure would amend the Criminal Procedure Law to permit a local criminal court to dismiss a felony complaint on the ground that no superseding accusatory instrument has been filed within 90 days of arraignment.

Senate 4581/Assembly 10947. This measure would amend the Criminal Procedure Law to dispense with the requirement of a presentence report where defendant is sentenced on a misdemeanor to a 6-month term or less.

Assembly 6777. This measure would divest City and District Courts of jurisdiction over the disposition of parking tickets.

Senate 6477/Assembly 6956. This measure would divest City and District Courts of jurisdiction over the disposition of non-criminal traffic violations.

Senate 6478/Assembly 11460. This measure would amend the CPLR to increase the jurisdictional maximum for civil actions subject to mandatory arbitration thereunder.

Senate 7512/Assembly 7397. This measure would amend the CPLR to provide for a general revision of Article 31 concerning disclosure.

Senate 7513/Assembly 10068. This measure would amend the CPLR to revise the practice by which bills of particulars are demanded and by which objections to such demands are registered.

Assembly 2037. This measure would amend the CPLR to provide for prejudgment interest in personal injury actions.

Assembly 11483. This measure would amend the Constitution to merge the major trial courts into the Supreme Court over a three-year period.

Assembly 11472. This measure would amend the Constitution to require that persons seeking elective judicial office first be found qualified by a nonpartisan screening panel.

Assembly 11480. This measure would amend the Constitution to establish a merit selection process for selection of judges.

Assembly 11463. This measure would amend the Constitution to permit incumbent judges in elective positions in major trial courts to seek reelection, first, by securing the endorsement of a nonpartisan screening panel and, second, by securing public approval through an uncontested retention election.

Assembly 7288. This measure would amend the Family Court Act to define and add "aggravated abuse" as a ground for a child protective proceeding.

Assembly 7197. This measure would amend the Social Services Law and the Family Court Act to provide that when adequate housing is the sole reason for continuing a child in foster care, Social Services must make funds available for housing.

Assembly 7194. This measure would amend the Family Court Act to mandate the assignment of a law guardian for a child in every foster care review proceeding brought pursuant to sections 358-a and 392 of the Social Services Law.

Assembly 6745. This measure would amend the Family Court Act to clarify and reinforce Family Court's authority to make dispositional orders requiring the provision of services by public and private agencies.

Senate 4917/Assembly 10943. This measure would amend the Criminal Procedure Law and the Family Court Act to remove the crime of assault in the second degree from the family offense jurisdiction of Family Court.

Senate 7871/Assembly 11474. This measure would amend the Constitution to establish for New York City a city-wide Housing Court.

Assembly 6945. This measure would amend section 110 of the New York City Civil Court Act to confer upon the Housing Part of Civil Court jurisdiction over summary proceedings involving commercial as well as residential premises.

Assembly 6746. This measure would amend the Real Property Actions and Proceedings Law to authorize a Housing Part Judge to order DSS to pay rent in certain summary proceedings brought in New York City.

Senate 7925/Assembly 6955. This measure would amend section 110 of the New York City Civil Court Act to authorize a Housing Part Judge to require a Social Services official of an adult protective services to appear in proceedings before the court.

Assembly 10938. This measure would amend the Criminal Procedure Law to eliminate the distinction between trial jurors and alternate jurors in a criminal case.

Senate 6479/Assembly 6768. This measure would amend the Judiciary Law to consolidate the offices of County Judge and Surrogate in each county having a population less than 350,000.

Senate 5039/Assembly 6605. This measure would amend the Mental Hygiene Law, the County Law and the Criminal Procedure Law to clarify the jurisdiction of MHLS, and to make minor technical amendments in its enabling statutes.

Senate 4915. This measure would amend the New York City Civil Court Act and the Surrogate's Court Procedure Act to delete archaic references to folio rates and to provide that court stenographers' fees should be determined pursuant to CPLR 8002.

Senate 5007/Assembly 10939. This measure would amend section 60.01 of the Penal Law to increase to one year the sentence of imprisonment that a court may impose along with probation or conditional discharge for a felony conviction.

Senate 6482. This measure would amend the Judiciary Law to establish a $50 processing fee to be paid by persons seeking to claim exemption from jury service.

Senate 6483/Assembly 10937-A. This measure would amend section 31 of the New York City Criminal Court Act to divest the Criminal Court of jurisdiction over violations of the Administrative Code.

Senate 6484/Assembly 7948. This measure would amend the Unified Court Budget Act to restore to New York City the obligation to fund all operational expenses of the County Clerks' offices in the City except those incurred in discharge of their responsibilities as Commissioners of Jurors.

Senate 2857. This measure would amend the Public Officers Law to repeal an obsolete provision relating to the qualifications of certain judicial officers.

Senate 4134/Assembly 6766. This measure would give permanent civil service status to MHLS provisionals in the First Department who were employed with MHLS for at least one year as of 7/1/80.

Senate 6485/Assembly 6589. This measure would amend the Mental Hygiene Law to permit court officials to determine the appropriate classification structure for MHLS personnel.

Senate 4590. This measure would amend the CPLR to permit law clerks to judges to be designated as referees for the purpose of supervising disclosure.

Senate 2837. This measure would amend the Judiciary Law to permit jurors to waive entitlement to their *per diem* allowances, which then would be available to finance minor improvements in jury facilities.

Assembly 11473. This measure would amend the Constitution to expand the term of office of judges of the District Court from 6 to 10 years.

Senate 5979/Assembly 8346. This measure would amend the CPLR to require payment of a fee upon filing a notice of petition or order to show cause commencing a special proceeding in an appellate court.

Senate 2838. This measure would amend the Uniform City Court Act to authorize mechanical recording of testimony in city courts in cities with a population of 50,000 or less.

Assembly 7986. This measure would amend the General Municipal Law to eliminate New York City's entitlement to a share of interest earned on account of State money held by and invested by the County Clerks in New York City.

Senate 6486/Assembly 8383. This measure would amend section 1704 of the Uniform Court Acts in relation to the time for furnishing a transcript of minutes on appeal.

Senate 7516/Assembly 11444. This measure would amend the CPLR to limit the appealability of interlocutory determinations, as of right, to the Appellate Division.

Senate 5978/Assembly 10960. This measure would amend the Criminal Procedure Law and the Correction Law to conform the procedure relating to warrants for violations of conditions of probation and conditional discharge sentences to the procedural amendments that were enacted in 1990 for bench and arrest warrants.

Senate 4892-A/Assembly 8561-A. This measure would amend the Family Court Act to exclude consideration of certain time periods when calculating the time to schedule a fact-finding or dispositional hearing.

Assembly 10989. This measure would amend the Domestic Relations Law to establish new criteria for determining whether consent of an unwed father is required when his child under 6 months is placed for adoption.

Assembly 8818-A. This measure would provide a retirement incentive program for certain employees of the Unified Court System.

Senate 7498/Assembly 6816. This measure would amend the CPLR in relation to the validity of service of process in certain circumstances.

Assembly 11448. This measure would amend the CPLR to authorize a statement of damages in summation in medical or dental malpractice actions and actions against municipalities.

Senate 5533-A/Assembly 6771. This measure would amend the CPLR in relation to itemized verdicts and periodic payment of judgments in certain actions.

Senate 6487/Assembly 6783. This measure would amend the CPLR in relation to the basis for determining periodic judgments.

Senate 5512/Assembly 11462. This measure would amend section 6501 of the CPLR to clarify that a notice of pendency may not be filed in a summary proceeding brought to recover possession of real property.

Senate 5479/Assembly 10100. This measure would amend section 3101 of the CPLR relating to the pretrial disclosure of information regarding the identity and the anticipated testimony of expert witnesses.

Assembly 11447. This measure would amend section 3215 of the CPLR in relation to notice to a defaulting party.

Senate 7533/Assembly 11442. This measure would amend the CPLR to provide for the size of type of printed or typed summonses and other papers.

Senate 5458/Assembly 6759-A. This measure would amend section 6313(a) of the CPLR to regularize the giving of notification to other parties upon application for a temporary restraining order.

Senate 7499-A/Assembly 11445-A. This measure would amend the CPLR to clarify the use of depositions employed as evidence-in-chief by an adverse party.

Senate 7519/Assembly 11693. This measure would amend the CPLR to increase compensation for referees appointed to sell real property.

Senate 8072. This measure would amend the CPLR in relation to the period of limitations where the summons is delivered to the Sheriff or the County Clerk.

Assembly 10181. This measure would amend the CPLR to require that a judge's decision on a motion or application be written or otherwise recorded.

Senate 4580/Assembly 7446. This measure would amend section 30.30 of the Criminal Procedure Law to eliminate its due diligence requirement where defendant fails to appear.

Senate 8109/Assembly 7546. This measure would amend the Criminal Procedure Law in relation to appeal from a grant or denial of a motion to set aside an appellate court order on the ground of ineffective assistance of appellate counsel.

Senate 4577-A/Assembly 8021-A. This measure would amend section 300.50 of the Criminal Procedure Law in relation to jury consideration of lesser-included offenses.

Senate 4608-A. This measure would amend the Criminal Procedure Law to provide that an order dismissing an indictment for failure to provide notice to testify before the grand jury may be conditioned upon defendant actually testifying before such grand jury.

Senate 6488. This measure would amend the Criminal Procedure Law to establish a procedure for obtaining a warrant of arrest prior to formal commencement of a criminal action.

Senate 4850/Assembly 8061. This measure would amend the Criminal Procedure Law in relation to recognizance or bail for a cooperating defendant convicted of a class A-II felony.

Senate 7514/Assembly 10956. This measure would amend the Criminal Procedure Law to permit certain written materials to be submitted to the jury during deliberations.

Senate 7534/Assembly 8179. This measure would add a new Article 205 to the Criminal Procedure Law to establish a procedure for amending an indictment, prior to retrial, to charge certain lesser-included offenses.

Senate 7515/Assembly 7549. This measure would amend the Criminal Procedure Law to provide a procedure to verify an accusatory instrument and convert a misdemeanor complaint to an information for a child witness or a person suffering from mental disease.

Senate 5518/Assembly 10954. This measure would amend section 450.20 of the Criminal Procedure Law to provide that the People may appeal, as of right, from certain preclusion orders.

Assembly 5521-A. This measure would amend the Criminal Procedure Law to authorize a court to consider an unjustifiable failure to proceed when determining whether to grant a motion to dismiss an indictment in the interest of justice.

Senate 8027/Assembly 10953. This measure would amend the Criminal Procedure Law in relation to time of service of the supporting deposition in a traffic case.

Senate 8026/Assembly 10948. This measure would amend the Criminal Procedure Law in relation to orders dismissing or reducing an indictment.

Assembly 10942. This measure would amend the Criminal Procedure Law to eliminate its mandate that pretrial motions in criminal proceedings be in writing.

Senate 4604. This measure would amend the Family Court Act and the Education Law to eliminate the vestigial Family Court jurisdiction in proceedings for the education of children with handicapping conditions.

Senate 8292-A/Assembly 11867-A. This measure would amend the Family Court Act in relation to medical examinations.

Assembly 11714. This measure would amend the Domestic Relations Law to require verification in matrimonial proceedings of the status of any children of the marriage with respect to custody and support.

Assembly 10192 This measure would amend the Family Court Act to position more properly therein the recitation of certain permissible conditions for orders of probation, conditional discharge and suspended judgment in PINS and JD cases.

Senate 8069/Assembly 11691. This measure would amend the Family Court Act and the Criminal Procedure Law to clarify the period within which victims of domestic violence may change their choice of forum from Family Court to a local criminal court, or *vice versa*.

Senate 4651/Assembly 6780. This measure would amend the Executive Law and the Family Court Act to establish practices to reduce trauma to children who are witnesses in court proceedings.

Senate 5977/Assembly 10179. This measure would amend the CPLR to make provision for compensation for guardians *ad litem* appointed for children and adults in any civil proceeding.

Senate 2702/Assembly 6659. This measure would amend the Family Court Act to eliminate court approval for agreement or compromise for child support of an out-of-wedlock child.

Senate 7893/Assembly 11475. This measure would amend the Judiciary Law to fix a technical flaw in the statute, as added by chapter 78 of the Laws of 1991.

Assembly 10130-A This measure would amend the Real Property Tax Law to require that, in SCAR proceedings, service of the petition upon the party representing the assessing unit shall be by certified mail, return receipt requested.

Senate 7969/Assembly 10949. This measure would amend the Criminal Procedure Law to insure that all local personnel furnishing security services to the courts are peace officers and have training adequate to their task.

In addition to the foregoing, the Chief Administrator sent to the Legislature six proposals that were not introduced, including: a measure to amend the CPLR in relation to an unsworn affirmation of the truth of a statement; a measure to amend the CPLR in relation to reimbursement for the production of records and other things by a non-party witness in disclosure; a measure to amend the Criminal Procedure Law in relation to identification by means of previous recognition; a measure to amend the Family Court Act to make technical changes in sections 1027 and 1028 in relation to orders directing the provision of services; a measure to amend the Criminal Procedure Law to permit a court to order interim supervision of a criminal defendant pending sentencing; and a measure to amend the Constitution to abolish the requirement of a grand jury indictment in all felony cases.

Rules Revision

Numerous constitutional and statutory provisions require or authorize the Chief Judge and Chief Administrator of the Courts to promulgate rules affecting the operation of the courts. Rules of the Chief Judge are promulgated after consultation with the Administrative Board of the Courts and with the approval of the Court of Appeals. Rules of the Chief Administrator are promulgated as follows: administrative rules and trial court calendar rules, after consultation with the Administrative Board of the Courts; rules of judicial conduct, with the approval of the Court of Appeals; and trial court rules of practice and procedure, with the advice and consent of the Administrative Board of the Courts.

Rules of the Chief Judge

The following rules were adopted or amended by the Chief Judge during 1992:

Section 9.1(a) of the Rules of the Chief Judge (22 NYCRR 9.1(a)) was amended, effective February 13, 1992, to provide that the requirement that all rules and regulations promulgated by any court or agency of the Unified Court System shall be filed with the Chief Administrator of the Courts shall not apply to instructions issued by individual judges governing the hearing of cases pursuant to the Individual Assignment System.

Section 25.32(a) of the Career Service Rules of the Chief Judge (22 NYCRR 25.32(a)) was amended, effective January 24, 1992, in relation to credits and preferences for war veterans and disabled war veterans, to include, *inter alia*, military service performed during several additional periods of hostility and to specify the evidence of such service that will suffice for entitlement to such credit or preference.

Section 28.12(c) of the Rules of the Chief Judge (22 NYCRR 28.12(c)) was amended, and new section 28.12(f) of such Rules (22 NYCRR 28.12(f)) was adopted, effective April 30, 1992, to provide that (a) where a judicial hearing officer [JHO] has heard and determined an arbitration, the amount payable by a demandant for a trial *de novo* shall be the same as would have been payable as a fee to a single arbitrator or a panel of three arbitrators [$45 or $115], as the case may be, if such JHO had not been assigned, and that (2) if a JHO has heard and determined an arbitration, the trial *de novo* may not be presided over by a JHO.

New section 28.16 of the Rules of the Chief Judge (22 NYCRR 28.16) was adopted, effective April 30, 1992, to provide, *inter alia*, that (1) a "Part 28" arbitration may be heard and determined by a judicial hearing officer [JHO] instead of a panel of arbitrators, and that (2) a JHO serving as an arbitrator shall receive $250 per day rather than $35 or $45 per hearing. The new provision also provides that (3) a location in which a hearing of the arbitration claim is held shall be deemed a "facility designated for court appearances", as such term is used in section 122.8 of the Rules of the Chief Administrator of the Courts Governing Judicial Hearing Officers (22 NYCRR 122.8), thereby enabling the JHO to receive compensation when an arbitration is held elsewhere than in a courtroom.

Rules of the Chief Administrator of the Courts

The following rules were adopted, amended, or repealed by the Chief Administrator of the Courts during 1992:

Sections 107.4, 107.5 and 107.6 of the Rules of the Chief Administrator (22 NYCRR 107.4, 107.5, 107.6) were adopted, effective respectively April 1, 1993, April 1, 1994, and October 1, 1994, to provide for negotiated contractual salary increases to nonjudicial personnel.

Section 128.12 of the Uniform Rules for the Jury System (22 NYCRR 128.12) was amended, effective April 23, 1992, to provide for the giving of an additional notice to a person who has not responded to a juror qualification questionnaire or to a summons to appear for jury duty at least 20 days before entry of a judgment resulting from proceedings for noncompliance commenced against such person under section 527 of the Judiciary Law and section 128.12 of the Uniform Rules for the Jury System.

Part 131 of the Rules of the Chief Administrator governing the audio-visual coverage of judicial proceedings was reenacted and amended on an interim basis, effective June 24, 1992, and then was adopted on a permanent basis, effective November 5, 1992, to implement the reenactment with new restrictions by the legislature of "cameras-in-the-court" legislation, which previously had lapsed.

Section 202.8 of the Uniform Civil Rules for the Supreme and County Courts (22 NYCRR 202.8), governing motion procedure, was amended, effective January 1, 1993, to provide, *inter alia*, that where a motion relates to disclosure or a bill of particulars, and a preliminary conference has not been held, the court shall provide a form of stipulation and order to the parties, so that, if the stipulation is signed agreeing to a disclosure schedule, it may be so ordered by the court and the preliminary conference need not be held. This amendment implemented a recommendation by the Chief Administrator's Individual Assignment System (IAS) Review Committee.

Section 202.12 of the Uniform Civil Rules for the Supreme and County Courts (22 NYCRR 202.12), governing the preliminary conference, was amended, effective January 1, 1993, to provide, *inter alia*, that where a request is made for a preliminary conference, the court shall provide a form of stipulation and order to the parties, so that if the stipulation is signed by the parties agreeing to a disclosure schedule, it may be so ordered by the court and the preliminary conference need not be held. In addition, the section was amended to dispense with the requirement for an affidavit of good faith that the parties have conferred, since the parties will be afforded the opportunity to confer with respect to the proposed stipulation. This amendment implemented a recommendation by the Chief Administrator's Individual Assignment System (IAS) Review Committee.

Section 202.12 of the Uniform Civil Rules for the Supreme and County Courts (22 NYCRR 202.12), governing the preliminary conference, also was amended to adopt a new subdivision (e) (22 NYCRR 202.12(e)), effective November 5, 1992, providing that the rule shall apply to an action involving a terminally ill party governed by CPLR 3407 only to the extent that it is consistent with that provision, which provides for an expedited preliminary conference. The new subdivision also provides that in such an action the request for a preliminary conference may be filed at any time after commencement of the action, and shall be accompanied by the physician's affidavit required by CPLR 3407.

Appendix B (approved forms relating to the findings of fact and conclusions of law) to section 202.50(b) of the Uniform Civil Rules for the Supreme and County Courts (22 NYCRR 202.50(b)), governing proposed judgments in matrimonial actions, was amended, effective November 5, 1992, to adopt new paragraphs relating to child support, superseding paragraphs previously adopted on September 21, 1989, to conform to new requirements (Ch. 41, Laws of 1992) of the Domestic Relations Law.

Section 202.58 of the Uniform Civil Rules for the Supreme and County Courts (22 NYCRR 202.58), theretofore governing only small claims tax assessment review proceedings, was amended, effective November 5, 1992, also to apply to the judicial review of sidewalk assessment small claims proceedings against the New York City Department of Transportation in accordance with section 19-152.3 of the Administrative Code of the City of New York.

Section 202.58 of the Uniform Civil Rules for the Supreme and County Courts as this section governs small claims tax assessment review proceedings, was amended, effective April 23, 1992, by inserting a new subdivision (g) (22 NYCRR 202.58(g)), to provide, *inter alia*, that these proceedings may be heard and determined by a judicial hearing officer.

Relettered subdivision (h) of section 202.58 of the Uniform Civil Rules for the Supreme and County Courts (22 NYCRR 202.58(h)), governing collateral proceedings, was amended, effective April 23, 1992, to provide that if a judicial hearing officer has heard and determined a proceeding under this section, any collateral application for judicial relief may not be heard by a judicial hearing officer, except upon consent of the parties.

Section 202.51 of the Uniform Rules for the Family Court (22 NYCRR 205.51), relating to proceedings involving custody of a Native American child, was amended, effective February 20, 1992, to update the terminology of the rule.

Section 205.86 of the Uniform Rules for the Family Court (22 NYCRR 205.86) was adopted, effective March 13, 1992, to provide for the videotaping of examinations of children alleged to have been sexually abused.

Sections 206.5, 206.6, 206.7, 206.9, 206.10, 206.11 and 206.12 of the Uniform Rules for the Court of Claims (22 NYCRR 206.5, 206.6, 206.7, 206.9, 206.10, 206.11 and 206.21) were amended, and new sections 206.14 and 206.20 of such Rules were adopted, all effective July 1, 1992, to update and improve generally procedures for processing actions in the Court of Claims.

Section 207.20(c) of the Uniform Rules of the Surrogate's Court (22 NYCRR 207.20(c)), relating to filing a list of assets constituting the gross estate, was amended, effective April 23, 1992, to provide that within six months of the issuance of temporary or preliminary letters testamentary, the fiduciary or attorney shall furnish to the court a list of assets constituting the gross estate for tax purposes, but separately listing specific categories of assets designated in the rule, and specifying the proper official form which may be utilized for this purpose.

Section 207.28(a) of the Uniform Rules for the Surrogate's Court (22 NYCRR 207.28(a)) was amended, effective June 22, 1992, to delete from the provision relating to examinations of attesting witnesses, accountants, adverse parties and witnesses the requirement that such examinations be held before an official reporter.

Section 207.59 of the Uniform Rules for the Surrogate's Court (22 NYCRR 207.59), relating to proceedings involving custody of a Native American child, was amended, effective March 18, 1992, to update the terminology of the rule.

Section 210.6(d) of the Uniform Civil Rules for the City Courts outside the City of New York (22 NYCRR 210.6(d)) was amended, effective April 28, 1992, to provide that in all actions brought in a city court, the summons with proof of service must be filed in the office of the clerk within 20 days, rather than 10 days (as previously required), after service is complete.

1993 Report
of the
Advisory Committee on Civil Practice
to the
Chief Administrator of the Courts
of the
State of New York

December 1992

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I. Introduction

The Advisory Committee on Civil Practice, one of the standing advisory committees established by the Chief Administrator of the Courts pursuant to section 212(1)(q) of the Judiciary Law, annually recommends to the Chief Administrator legislative proposals in the area of civil procedure that may be incorporated in the Chief Administrator's legislative program. The Committee makes its recommendations on the basis of its own studies, examination of decisional law, and on the basis of recommendations received from bench and bar. The Committee maintains a liaison with the New York State Judicial Conference, committees of judges and committees of bar associations, legislative committees, and such agencies as the Law Revision Commission. In addition to recommending measures for inclusion in the Chief Administrator's legislative program, the Committee reviews and comments on other pending legislative measures concerning civil procedure.

In this 1993 Report, the Advisory Committee recommends a total of 22 measures for enactment by the 1993 Legislature. Of these bills, 16 measures previously have been endorsed in substantially the same form, one is a modified measure, and five are new measures.

Part III sets forth and summarizes the new and modified measures proposed in 1993. The new measures submitted this year would (1) clarify when the time to commence an Article 78 proceeding begins to run for purposes of the statute of limitations, (2) provide that a commercial mail drop address may be "an actual place of business for service of process purposes, (3) make technical improvements in provisions allowing service of process by mail, (4) clarify procedures relating to poor person relief, and (5) provide for the transfer of small claims between local courts.

In Parts II and III, individual summaries of the proposals are followed by drafts of appropriate legislation.

Two proposals recommended by the Committee were enacted by the Legislature in 1992:

> 1. Chapter 216 of the Laws of 1992 provided, *inter alia*, for permission to proceed as a poor person upon application of a legal services organization, without a formal motion.
>
> 2. Chapter 381 of the Laws of 1992 facilitates the certification of the records of defunct hospitals and their admission into evidence.

Several other matters were brought to the Committee's attention during the course of 1992 which required considerable study and activity by the Committee. For example, the Advisory Committee on Civil Practice participated actively, in collaboration with representatives of bar associations and their committees and with the legislative staffs, in drafting the landmark legislation signed into law as Chapter 216 of the Laws of 1992, which provided, effective July 1, 1992, for the commencement of actions in the Supreme and County Courts by filing rather than by service.

On the basis of long experience in drafting and reviewing legislation, the Committee makes two related proposals to the Legislature, in the interests of the bar, with respect to civil procedural bills. (1) The Committee recommends that bills be drafted, insofar as practicable, to avoid the renumbering and relettering of sections and subdivisions that are the subject of numerous judicial citations. Extensive, unnecessary renumbering and relettering of often-cited provisions is confusing to the bar and diminishes the usefulness of statutory citations construing those provisions. (2) Further, the Committee recommends that, aside from corrective or remedial bills, which must become effective immediately, the effective date of bills should be deferred after enactment a sufficient time to publicize them to the bar. For example, this Committee sets the effective date of most of its bills as "the first day of January next succeeding the date on which it shall have become a law."

Part IV of the Report briefly discusses pending and future projects under Committee consideration.

The Committee continues to solicit the comments and suggestions of bench, bar, academic community and public, and invites the sending of all observations, suggestions and inquiries to:

Professor George F. Carpinello, Chair
Advisory Committee on Civil Practice
Office of Court Administration (Suite 1401)
270 Broadway
New York, New York 10007

II. Previously Endorsed Measures

1. Validity of Service of Process in Certain Circumstances (CPLR 308 - last, undesignated paragraph)

The Committee recommends that CPLR 308 be amended to add a new undesignated paragraph at the end of the section to provide that if a good faith effort has been undertaken to make service pursuant to subdivision 2, or subdivision 4 when applicable, and one of the two acts of service prescribed has not been effected, a showing that the defendant has obtained actual notice through the other act shall be sufficient to sustain the service. Of course, completion of service in such a case would include the filing of proof of service with the clerk of court.

In the interest of basic fairness, the proposal is designed in a carefully limited manner to prevent recurrence of the harsh outcome of *Feinstein* v. *Bergner*, 48 N.Y. 2d 234 (1978). That was a wrongful death action in which the plaintiff-widow, despite diligent efforts, was unable to effectuate both the required acts of service - first under CPLR 308(2) (deliver and mail) and then under CPLR 308(4) (affix and mail). The Court of Appeals, with a strong dissent, held that, even though defendant had in fact received timely notice and the limitations period had shortly thereafter elapsed, the service was fatally defective. It reasoned that, while plaintiff had properly mailed process to defendant's "last known residence," she had not satisfied the additional requirement of affixing process to the door of defendant's "dwelling place" or "usual place of abode," affixing it rather to the door of his "last known residence," for she had no reason to believe it was not his "dwelling place" or "usual place of abode."

The result in *Feinstein* makes it clear that the text of the cited subdivision, even as amended by chapter 115 of the Laws of 1987, is not flexible enough to provide the full measure of justice desired in such troublesome, even if infrequent, situations. The Committee also considered the effect of Chapter 216 of the Laws of 1992 (commencement of action by filing) upon the problem, and concluded that the new provisions enacted by that statute do not render the proposed change unnecessary. While subdivisions 2 and 4 correctly will remain as the appropriate general standard in most cases where utilized, the proposed new paragraph would extend justifiable relief under exceptional circumstances such as those in the *Feinstein* case.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to the validity of service of process in certain circumstances

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 308 of the civil practice law and rules is amended by adding a new closing paragraph to read as follows:

If a good faith effort has been undertaken to make service pursuant to subdivision two or four of this section when applicable, and one of the two acts of service prescribed has not been validly effected, it shall be sufficient to sustain the service if the defendant has obtained actual notice through the other act.

§2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

2. Size of Type on Summons and Other Papers Served in an Action
(CPLR 2101(a))

The Committee recommends that CPLR 2101(a) be amended to provide that a printed or typed summons shall be in clear type of no less than twelve-point size, and that each other printed or typed paper served or filed in an action, except an exhibit, shall be in clear type of no less than ten-point size.

The Committee has become aware that some summonses and complaints and other pleadings served in actions contain language typed or printed in such small or obscure type as to be barely legible. Great harm is possible, especially where a summons is served on a person who is unable to read the small print or type. The provisions of CPLR 4544, precluding the admission into evidence of printed contracts or agreements involving consumer credit transactions or residential leases that are printed in small print, and the provisions of CPLR 8019(e), relating to the size of printed type on papers filed with the county clerk for recording and indexing, are instructive in setting type-size limits. However, neither resolves the problem of excessively small type used in legal papers served by one party on another, especially a summons commencing an action.

The Committee has examined carefully various sizes and styles of type and print, and concludes that the type used in printed or typed summonses should be at least twelve-point in size, and in other papers served in the action, at least ten- point in size.

No attempt is made to regulate the size of hand-written letters, which the courts may scrutinize for legibility, nor the size of print or type in exhibits, which, necessarily, may be of any size.

In addition, the Committee proposes the elimination from the subdivision of the archaic reference, now unnecessary, to the change in the size of most legal papers from 8-1/2 by 14 inches (legal size) to 8-1/2 by 11 inches (letter size), effected on September 1, 1974.

In order to provide the Bar with sufficient time to make any necessary preparation to implement this provision, it would not take effect until January 1, 1995.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to the size of type of printed or typed summonses and other papers served or filed in an action

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (a) of section 2101 of the civil practice law and rules, as amended by judicial conference proposal number 1 for the year 1974, is amended to read as follows:

(a) Quality, size and legibility. Each paper served or filed shall be durable, white and, except for summonses, subpoenas, notices of appearance, notes of issue and exhibits, [of legal or letter size. In all actions and proceedings commenced on or after September first, nineteen hundred seventy-four, each paper served or filed, except for summonses, subpoenas, notices of appearance, notes of issue and exhibits] shall be eleven by eight and one-half inches in size. [However, courts or other public agencies having a supply of forms on hand, printed on paper larger than eleven by eight and one-half inches may continue to use and accept such forms until such supply is exhausted or September first, nineteen hundred seventy-six, whichever is sooner.] The writing shall be legible and in black ink. Beneath each signature shall be printed the name signed. *A printed or typed summons shall be in clear type no less than twelve-point in size. Each other printed or typed paper served or filed, except an exhibit, shall be in clear type no less than ten-point in size.*

§2. This act shall take effect on January 1, 1995.

3. Unsworn Affirmation of Truth of Statement Under Penalty of Perjury
(CPLR 2106)

The Committee recommends the amendment of CPLR 2106 (affirmation of truth of statement by attorney, physician, osteopath or dentist), which now permits certain professional persons to substitute an affirmation for an affidavit in judicial proceedings, to replace the use of an affidavit for all purposes in a civil action by the use of an affirmation — a procedure modelled upon the federal declaration procedure system (28 USC 1746; unsworn declarations under penalty of perjury).

New York notarial fees have increased (L. 1991, c. 143) and, in many circumstances, notaries are hard to find by persons wanting immediately to make an affidavit, occasioning many unnecessary delays. It is increasingly difficult to find notaries outside of central business districts, and when found, usually in banks, they often refuse to notarize for anyone not known to a branch officer. The Committee also notes that perjury is easier to prove under an affirmance procedure than under the affidavit-notary procedure, because it is unnecessary to prove that an oath had been administered.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to unsworn affirmation of truth of statement under penalty of perjury

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Rule 2106 of the civil practice law and rules is REPEALED and a new rule 2106 is added to read as follows:

Rule 2106. Affirmation of truth of statement under penalty of perjury. Wherever, under any law of the state of New York or under any rule, regulation, order or requirement made pursuant to law, with respect to any civil action, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certification, statement, oath, affirmation or affidavit, in writing, of any person, such matter may be established, supported, evidenced or proved by the affirmation, in writing, of such person, which is subscribed to be true under the penalty of perjury and dated.

§2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

REPEAL NOTE.—Rule 2106 of the civil practice law and rules, to be REPEALED by this act, now permits certain professional persons to substitute an affirmation for an affidavit in judicial proceedings. The new rule 2106, to be added in its place, would replace the use of an affidavit by an affirmation for all purposes in a civil action.

4. Requirement that Judge's Decisions on Motions and Applications be Written or Otherwise Recorded
(CPLR 2219(a))

The Committee recommends that CPLR 2219(a), relating to the time and form of an order determining a motion, be amended to provide that a ruling or order made by a judge in an action, whether upon written or oral application or motion of a party or *sua sponte*, shall, upon the request of any party, be reduced to writing or otherwise recorded.

Oral rulings frequently are made by judges, often during conference in chambers with no court reporter present. If the court disposes of an application or motion of a party orally, or makes an oral *sua sponte* ruling or order affecting a party, and if such oral ruling or order is neither recorded nor reduced to writing, it becomes almost impossible for the party to preserve objections for purposes of appeal. The Committee believes that a party is entitled to preserve all rulings and objections for possible appeal and that the CPLR should provide a procedure to do this. The procedure should come into play only upon request of a party, since it is not necessary that every oral ruling be so recorded, but upon request of a party, it should be.

It is not intended by this amendment that this requirement apply to jury selection because, at the end of the *voir dire*, an appeal may be taken upon affidavit of an attorney who states that the jury panel is not satisfactory.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to the recording of judicial rulings and orders

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (a) of rule 2219 of the civil practice law and rules is amended to read as follows:

(a) Time and form or order determining motion, generally. An order determining a motion relating to a provisional remedy shall be made within twenty days, and an order determining any other motion shall be made within sixty days, after the motion is submitted for decision. The order shall be in writing and shall be the same in form whether made by a court or a judge out of court. An order determining a motion made upon supporting papers shall be signed with the judge's signature or initials by the judge who made it, state the court of which he *or she* is a judge and the place and date of the signature, recite the papers used on the motion, and give the determination or direction in such details as the judge deems proper. *Except where otherwise provided by law, any ruling or order made by a judge in an action, whether upon written or oral application or sua sponte, shall, upon the request of any party, be reduced to writing or otherwise recorded.*

§2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

5. Bill of Particulars (CPLR 3041, 3042)

The Committee recommends the amendment of CPLR 3041 and CPLR 3042 to save the time of courts and litigants, to curtail pronounced and widespread abuses which have arisen under present law, and to improve the procedures governing the use of bills of particulars.

Under the present provisions of CPLR 3042, many attorneys serve a bill of particulars only after being served with a conditional order of preclusion. Initial requests for bills of particulars routinely are ignored. Some attorneys routinely serve demands that are so prolix and burdensome as effectively to harass opponents. Still other attorneys routinely serve patently defective bills.

The courts are inundated with motions to preclude for failure timely to serve bills of particulars, and with motions relating to disclosure generally. Motions relating to bills of particulars are adjourned frequently, and the final determination is generally a conditional order of preclusion which may or may not be obeyed. This practice wastes judicial resources and burdens litigants.

The language of CPLR 3042 is streamlined by making a minor amendment to CPLR 3041. "Bill of particulars" is defined to include "copy of the items of an account," thus eliminating the need for numerous references in CPLR 3042 to the latter term.

The following revisions are proposed in CPLR 3042:

Whereas the party served with a demand for a bill of particulars now must comply with the demand within 20 days of service or move to vacate or modify the demand within 10 days thereof, this bill would amend subdivision (a) to simplify the procedure by setting a uniform period of 30 days in each instance, and the party moving to modify the demand would be required to attach to the moving papers the bill, complying with the demand as to the items to which there is no objection.

Subdivision (b), which allows a party seeking a bill of particulars to proceed by motion instead of demand, is deleted. This provision seldom is utilized, and the Committee is aware of no circumstances in which proceeding by motion initially is appropriate.

Present subdivision (c), to be relettered subdivision (b), would be amended to create a new automatic preclusion procedure applicable to a party who fails timely either to comply with the demand for a bill of particulars or to move to vacate or modify. In the absence of any such timely action, the demanding party would be authorized to put the defaulting party on written notice that the bill has not been served and that an automatic preclusion will take effect 30 days after service of the notice, if the bill is not received. The written notice must be served by registered or certified mail. Additionally, the notice is required to refer to this rule so that the defaulting party may be alerted to the statutory sanction for default in serving the bill.

The notice and automatic preclusion procedure, which is provided for in new subdivision (b), is new and is the principal difference between the proposed rule 3042 and present rule 3042.

A party who is unable to comply with the demand should move in a timely manner under subdivision (a) to prevent the imposition of any sanction. A party would not be permitted to move to vacate or modify a demand after receipt of the preclusion notice but may move to vacate the default within 30 days after expiration of the time to comply with the notice. Such relief could be afforded only upon a showing of justifiable excuse for the default, the submission of an affidavit of merits and the bill of particulars. Relief from automatic preclusion would be governed by a new subdivision (c).

Present subdivision (d) governing preclusion for a defective bill would be superseded by new subdivision (d), and the time within which a party served with a defective bill may move for an order directing preclusion or service of a further bill would be extended from 10 to 30 days.

Present subdivision (e), governing the conditional order of preclusion, would be deleted, since that procedure is superseded by this revision. Present subdivision (f), governing affidavits, would be eliminated as unnecessary because general rules governing motions and affidavits are adequate and because an affidavit of merits, to be required by new subdivision (c), should be made by a party, not an attorney.

Present subdivision (g) (Amendment) would be redesignated as new subdivision (e) and slightly reworded for the sake of clarity.

Present subdivision (h) (Costs) would be eliminated as superfluous (*see* CPLR 8106).

Nothing in the revision of this rule precludes parties or their attorneys from extending by written stipulation the time for serving any notice, motion or bill of particulars.

The enlargement of the time to 30 days to move to modify or vacate the demand, together with the potential for automatic preclusion, should reduce the number of motions required with respect to bills of particulars, and improve the administration of justice.

Revision of rule 3042 also provides an opportunity to make minor grammatical and technical changes in the wording of various provisions. These changes are not intended to have any substantive effect.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to bill of particulars

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 3041 of the civil practice law and rules is amended to read as follows:

§3041. Bill of particulars in any case. Any party may require any other party to give a bill of particulars of [his] *such party's* claim, or a copy of the items of the account alleged in a pleading. *As used elsewhere in this article, the term "bill of particulars" shall include "copy of the items of an account."*

§2. Rule 3042 of such law and rules, subdivision (a) as amended by chapter 294 of the laws of 1984, subdivision (g) as amended by chapter 297 and subdivision (h) as relettered by chapter 296 of the laws of 1978, is amended to read as follows:

Rule 3042. Procedure for bill of particulars. (a) [Notice. A request for a bill of particulars or a copy of the items of an account shall be made by serving a written notice stating the items concerning which such particulars are desired. If the party upon whom such notice is served is unwilling to give such particulars, in whole or in part, he may move to vacate or modify such notice within ten days after receipt thereof. The notice or supporting papers shall specify clearly the objections and the grounds therefor. If no such motion is made the bill of particulars shall be served within twenty days after the demand therefor, unless the court shall otherwise direct] *Demand. A demand for a bill of particulars shall be made by serving a written demand stating the items concerning which particulars are desired. The party served with the demand, within thirty days of the service thereof, shall serve a bill of particulars complying with the demand, or move to vacate or modify the demand, specifying clearly the objections and the grounds therefor. A party moving to modify the demand shall comply with the demand as to the items to which no objection is made.*

(b) [Motion. Instead of proceeding by demand, the party may move for a bill of particulars, or copy of the items of account in the first instance.

(c)] Preclusion for failure to supply bill. [In the event that] *If* a party fails *timely* to furnish a bill of particulars[, or copy of the items of an account the court, upon notice, may preclude him from giving evidence at the trial of the items of which particulars have not been delivered] *or to move to vacate or modify the demand, the demanding party may serve a written notice by registered or certified mail, requesting that the demand be complied with within thirty days after service of the notice. The notice shall refer to this rule and shall state that if the party served with the notice fails to comply therewith, such party automatically, and without application to the court by the demanding party, shall be precluded to the extent provided in this rule from giving evidence at the trial. If the party served with the notice fails, within thirty days after service thereof, to comply therewith, such party shall be precluded from giving evidence at trial of the particulars not furnished.*

[(d) Preclusion for defective bill. Where a bill of particulars, or copy of the items of an account, is regarded as defective or insufficient by the party upon whom it is served, the court, upon notice, may make an order of preclusion or directing the service of a further bill. In the absence of special circumstances, a motion for such relief shall be made within ten days after the receipt of the bill claimed to be insufficient] *(c) Relief from automatic preclusion. A party who is precluded by expiration of the time to comply under subdivision (b) of this rule may move for relief from such preclusion within thirty days thereafter upon a showing of justifiable excuse for failure to comply therewith, and submission of an affidavit of merit and the bill.*

[(e) Conditional order of preclusion. A preclusion order may provide that it will be effective unless a proper bill is served within a specified time] *(d) Preclusion for defective or insufficient bill of particulars. Where a bill is defective or insufficient, the court, upon motion, may order preclusion or direct the service of a further bill. In the absence of special circumstances, a motion for such relief shall be made within thirty days after receipt of the bill claimed to be defective or insufficient.*

[(f) Affidavits. Affidavits to be used in support of or in opposition to a motion under this rule may be made by a party or his attorney.

(g)] *(e)* Amendment. [illegible] action or proceeding in a court in which a note of issue is required to be filed, a party may amend [his] *the* bill of particulars once as of course [before trial,] prior to the filing of a note of issue.

[(h) Costs. Upon any motion, except under subdivision (b), costs may be imposed.]

§3. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law; provided however, it shall apply only in actions where no request for a bill of particulars or copy of the items of an account has been made prior to such effective date pursuant to the provisions of rule 3042 then in effect.

6. Disclosure (CPLR Article 31)

The Committee recommends the general revision of CPLR Article 31 (Disclosure) in order to ensure fairness to litigants and to effect the expeditious disposition of civil actions.

This measure would amend Article 31 of the Civil Practice Law and Rules (Disclosure) to ensure (1) liberalization of disclosure and (2) reduction of motion practice by more informal procedures.

An explanatory commentary upon this measure follows:

Section 3101

Subdivision (a)

The preamble of subdivision (a) of section 3101 would be clarified to permit disclosure of "matter" that is material and necessary, conforming to the standard set forth in *Allen v. Crowell-Collier Publishing Co.*, 21 N.Y.2d 403 (1968).

With respect to matrimonial actions and custody and visitation proceedings, however, the Committee does not intend to affect existing or evolving statutes and decisional law as to the availability of disclosure.

While the Advisory Committee is recommending liberalization of disclosure and the streamlining of disclosure procedures, it notes that protection against abuse of disclosure procedures is afforded by the power of the court under section 3103(a) to make a protective order "to prevent unreasonable annoyance, expense, embarrassment, disadvantage, or other prejudice to any person or the courts," as well as by the requirement for special circumstances under section 3101(a)(3) or for a statement of circumstances or reasons for disclosure under section 3101(a)(4).

Section 3101(a)(3) would be amended to list persons authorized to practice dentistry or podiatry so that it technically conforms to section 3101(d)(1)(i)(ii) which relates to disclosure by medical, dental and podiatric experts.

Subdivision (b)

Subdivision (b) would be clarified to provide that the privilege in question may be invoked not only by a party to the action but also by any other person entitled to assert the privilege.

Subdivision (h)

The CPLR does not contain a provision comparable to Fed. R. Civ. P. 26(e) explicitly requiring a party under certain circumstances promptly to supplement or amend responses to disclosure requests. New subdivision (h) would incorporate the substance of the federal rule, which, the Committee believes, establishes a reasonable balance between the need to maintain the integrity of responses to disclosure requests and the need to avoid imposing on a party a burdensome obligation to review and update on a continuing basis responses to disclosure requests. New subdivision (h) would apply to all disclosure devices. Provision is made, tracking CPLR 3101(d)(1)(i) as enacted by chapter 294 of the Laws of 1985, for introduction of evidence at trial in the court's discretion where the information was received too close to trial to provide sufficient time for amendment of the response.

Rule 3102(c)

The requirement for the recording of depositions and documents obtained for an action involving title to real property would be deleted. The Committee believes that the inconvenience of such recording and the possibility that it might create an unjustified cloud on title to property outweighs what little benefit such recording might have in alerting title searchers to any claim involving title to the property in question.

Section 3102(f)

Subdivision (f) would be amended to strike the prohibition against using interrogatories or requests for admissions against the State as party in light of *Vista Business Equipment, Inc. v. State of New York*, N.Y.L.J., p.12, col. 3, 1/23/86 (Court of Claims).

Section 3103(a)

Subdivision (a) would be amended to make it clear that any person who is the subject of a discovery request, whether or not a party or a witness, is entitled to move for a protective order.

Rule 3113(a)(2)

The amendment would eliminate a formal discrepancy between federal and state practice created by the 1980 amendment to Fed. R. Civ. P. 28(a).

Rule 3116(a)

The amendment would eliminate the requirement that a deposition be signed by the officer before whom it was taken if the witness fails or refuses to sign it. The requirement, which is inconvenient to comply with if the officer is not readily located, serves no significant purpose, since the officer must in any event rely upon representations or statements of a party or the witness as to the fact that the latter failed or refused to sign the deposition and the reasons therefor.

Rule 3120(a)

The purpose of the requirement in rule 3120(a) that a party designate the items he or she seeks to inspect is to enable the party served with the notice to determine what items are requested and to enable the court to determine whether the requested items have been produced. *Cf.* 8 Wright & Miller, *Federal Practice and Procedure* §2211 at 631. The present requirement that the requested items be "specifically" designated lends itself to a restrictive interpretation under which technical defects may frustrate reasonable discovery requests. In addition, a party frequently must conduct a deposition in order to obtain the information enabling that party to designate the requested items with the required specificity. *See, e.g., King* v. *Morris*, 57 A.D.2d 530 (1st Dept. 1977). This result has been justified on the theory that the deposition may be necessary for proper resolution of objections to the discovery request. *Rios* v. *Donovan*, 21 A.D.2d 409, 413-14 (1st Dept. 1964). The Committee believes that a party who can reasonably identify a requested item or category of items should not need to conduct a deposition in order to establish the existence and specific identities of the requested items. In most instances, the Committee believes, pretrial discovery will be conducted more efficiently and effectively if a party can obtain materials for use in preparing for a deposition. If the party to whom the request is made objects on the ground that it is unduly burdensome, includes materials which are not discoverable, or is improper in some similar respect, the party should state the objections pursuant to rule 3122 "rather than seeking shelter behind a claim of insufficient designation." 8 Wright & Miller, *supra*, at 634. However, the Committee would retain the requirement in CPLR 3120(a)(ii) for specific designa-tion of the object or operation to be inspected, measured, surveyed, sampled, tested, photographed or recorded, where entry upon land or property is to be permitted.

Rule 3122

The amendment of rule 3122 is intended to reduce the volume of motion practice arising out of disclosure procedures by eliminating the requirement that objections to requests for production of documents or other things or for physical or mental examinations be made by motion. The Committee believes that the notice procedure required by the amendment would encourage parties to resolve disputes concerning such requests without court intervention. In the event that a dispute is not so resolved, the party seeking disclosure may move for an order compelling disclosure pursuant to the proposed new section 3124.

The proposed amendment to rule 3122 also would enlarge the time for objecting to a disclosure request, and also would require a party served with a notice to produce documents to indicate to the party serving the notice if some documents are being withheld because of privilege or other legal reason and reasonably to describe such documents.

Rule 3124 (new)

Rule 3124 would be revised to achieve greater clarity and simplicity and to delete the requirement that a person move for a protective order in order to preserve objections to a disclosure request. This should encourage parties to resolve disputes over disclosure matters on their own without resort to the court and also should serve to narrow the scope of motions regarding disclosure matters, since ordinarily the motion would be made as a motion to compel disclosure after the person from whom disclosure was sought had complied with so much of the disclosure request as to which no objection was raised. Such narrowing of issues, particularly under IAS, would help to speed up the disposition of cases.

The reference to the right of a party to obtain local remedies for failure to comply with a disclosure request would be deleted as unnecessary; the Committee does not intend to suggest that section 3124 preempts other applicable law.

Section 3126

The substitution of the clause "this article" for "notice duly served" would make it clear that a willful failure to disclose information within the meaning of section 3126 includes a willful failure to amend or supplement a response to a disclosure request as required under new subdivision (h) of section 3101.

Rule 3132

The prescriptive period during which a plaintiff may not serve interrogatories upon a defendant would be revised to parallel the amendment of rule 3106.

Rule 3133

The amendment of rule 3133 would consolidate present rules 3133 and 3134. Paralleling the proposed amendment of rule 3122, subdivision (a) of rule 3133 would be amended to eliminate the requirement that an objection to an interrogatory be made by motion. Subdivision (b) of rule 3133 would be deleted as unnecessary in light of the amendment of subdivision (a).

Rule 3134

Rule 3134 would be deleted since its provisions would be incorporated into the amended rule 3133.

Section 3140

Section 3140 would be amended to correct a misspelling in the caption and to clarify that the responsibility for making procedural rules governing the exchange of appraisal reports is vested in the Chief Administrator of the Courts in conformity with section 212(2)(d) of the Judiciary Law. (*See also* 22 NYCRR 202.59, 202.60, 202.61). This amendment also is in furtherance of one of the purposes of this measure, the assurance of greater statewide uniformity with respect to disclosure procedures.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to disclosure and to repeal certain provisions of such law and rules relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions (a) and (b) of section 3101 of the civil practice law and rules, paragraph 3 of subdivision (a) as amended by chapter ~~268 of~~ the laws of 1979 and paragraph 4 of subdivision (a) as amended by chapter 294 of the laws of 1984, are amended to read as follows:

(a) Generally. There shall be full disclosure of all [evidence] *matter* material and necessary in the prosecution or defense of an action, regardless of the burden of proof, by:

(1) a party, or the officer, director, member, agent or employee of a party;

(2) a person who possessed a cause of action or defense asserted in the action;

(3) a person about to depart from the state, or without the state, or residing at a greater distance from the place of trial than one hundred miles, or so sick or infirm as to afford reasonable grounds of belief that he *or she* will not be able to attend the trial, or a person authorized to practice medicine, *dentistry or podiatry* who has provided medical, *dental or podiatric* care or diagnosis to the party demanding disclosure, or who has been retained by [him] *such party* as an expert witness; and

(4) any other person, upon notice stating the circumstances or reasons such disclosure is sought or required.

(b) Privileged matter. Upon objection by a [party] *person entitled to assert the privilege*, privileged matter shall not be obtainable.

§2. Section 3101 of such law and rules is amended by adding a new subdivision (h) to read as follows:

(h) Amendment or supplementation of responses. A party shall amend or supplement a response previously given to a request for disclosure promptly upon the party's thereafter obtaining information that the response was incorrect or incomplete when made, or that the response, though correct and complete when made, no longer is correct and complete, and the circumstances are such that a failure to amend or supplement the response would be materially misleading. Where a party obtains such information an insufficient period of time before the commencement of trial appropriately to amend or supplement the response, the party shall not thereupon be precluded from introducing evidence at the trial solely on grounds of noncompliance with this subdivision. In that instance, upon motion of any party, made before or at trial, or on its own initiative, the court may make whatever order may be just. Further amendment or supplementation may be obtained by court order.

§3. Subdivision (c) of section 3102 of such law and rules is amended to read as follows:

(c) Before action commenced[; real property actions]. Before an action is commenced, disclosure to aid in bringing an action, to preserve information or to aid in arbitration, may be obtained, but only by court order. The court may appoint a referee to take testimony. [Where such disclosure is obtained for use in an action involving title to real property the deposition or other document obtained shall be promptly recorded in the office of the clerk of the county in which the real property is situated.]

§4. Subdivision (f) of section 3102 of such law and rules, as amended by chapter 294 of the laws of 1984, is amended to read as follows:

(f) Action to which state is party. In an action in which the state is properly a party, whether as plaintiff, defendant or otherwise, disclosure by the state shall be available as if the state were a private person[, except that it may not include interrogatories or requests for admissions].

§5. Subdivision (a) of section 3103 of such law and rules is amended to read as follows:

(a) Prevention of abuse. The court may at any time on its own initiative, or on motion of any party or [witness] *of any person from whom discovery is sought*, make a protective order denying, limiting, conditioning or regulating the use of any disclosure device. Such order shall be designed to prevent unreasonable annoyance, expense, embarrassment, disadvantage, or other prejudice to any person or the courts.

§6. Paragraph 2 of subdivision (a) of rule 3113 of such law and rules is amended to read as follows:

2. without the state but within the United States or within a territory or possession subject to the [dominion] *jurisdiction* of the United States, a person authorized to take acknowledgments of deeds outside of the state by the real property law of the state or to administer oaths by the laws of the United States or of the place where the deposition is taken; and

§7. Subdivision (a) of rule 3116 of such law and rules, as amended by chapter 292 of the laws of 1978, is amended to read as follows:

(a) Signing. The deposition shall be submitted to the witness for examination and shall be read to or by him, and any changes in form or substance which the witness desires to make shall be entered at the end of the deposition with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness before any officer authorized to administer an oath [, except that a witness who is an adverse party shall not be required to sign such deposition upon thirty days prior written notice to return the examination signed]. If [a] *the* witness[, other than an adverse party,] fails to sign the deposition, [the officer before whom the deposition was taken shall sign it and state on the record the fact of the witness' failure or refusal to sign, together with any reason given. The deposition] *it* may [then] be used as fully as though signed.

§8. Subdivision (a) of rule 3120 of such law and rules, as amended by judicial conference proposal #2 for the year 1966, paragraph 2 as amended by chapter 294 of the laws of 1984, is amended to read as follows:

(a) As against party:

1. After commencement of an action, any party may serve on any other party notice:

(i) to produce and permit the party seeking discovery, or someone acting on his *or her* behalf, to inspect, copy, test or photograph any [specifically] designated documents or any things which are in the possession, custody or control of the party served [, specified with reasonable particularity in the notice]; or

(ii) to permit entry upon designated land or other property in the possession, custody or control of the party served for the purpose of inspecting, measuring, surveying, sampling, testing, photographing or recording by motion pictures or otherwise the property or any specifically designated object or operation thereon.

2. The notice shall specify the time, which shall be not less than twenty days after service of the notice, and the place and manner of making the inspection, copy, test or photograph, or of the entry upon the land or other property *and, in the case of an inspection, copying, testing or photographing, shall set forth the items to be inspected, copied, tested or photographed by individual item or by category, and shall describe each item and category with reasonable particularity.*

§9. Rule 3122 of such law and rules, as amended by chapter 80 of the laws of 1979, is amended to read as follows:

Rule 3122. Objection to [discovery] *disclosure*, inspection or examination*; compliance. (a)* Within [ten] *twenty* days of service of a notice under rule 3120 or section 3121, [a] *the* party [may serve a notice of motion for a protective order, specifying his objections] *to whom the notice is directed, if that party objects to the disclosure, inspection or examination, shall serve a response which shall state with reasonable particularity the reasons for each objection. If objection is made to part of an item or category, the part shall be specified. The party seeking disclosure under rule 3120 or section 3121 may move for an order under rule 3124 with respect to any objection to, or other failure to respond to or permit inspection as requested by, the notice or any part thereof.*

(b) Whenever a person is required pursuant to such a notice or order to produce documents for inspection, and where such person withholds one or more documents that appear to be within the category of the documents required by the notice or order to be produced, such person shall give notice to the party seeking the production and inspection of the documents that one or more such documents are being withheld. This notice shall indicate the legal ground for withholding each such document, and shall provide the following information as to each such document, unless the person withholding the document states that divulgence of such information would cause disclosure of the allegedly privileged information: (1) the type of document; (2) the general subject matter of the document; (3) the date of the document and (4) such other information as is sufficient to identify the document for a subpoena duces tecum.

§10. Rule 3124 of such law and rules is REPEALED and a new rule 3124 is added to read as follows:

Rule 3124. Failure to disclose; motion to compel disclosure. If a person fails to respond to or comply with any request, notice, interrogatory, demand, question or order under this article, except a notice to admit under section 3123, the party seeking disclosure may move to compel compliance or a response.

§11. Section 3126 of such law and rules, the opening paragraph as amended by chapter 42 of the laws of 1978, is amended to read as follows:

§3126. Penalties for refusal to comply with order or to disclose. If any party, or a person who at the time a deposition is taken or an examination or inspection is made [,] is an officer, director, member, employee or agent of a party or otherwise under a party's control, refuses to obey an order for disclosure or willfully fails to disclose information which the court finds ought to have been disclosed pursuant to [notice duly served] *this article*, the court may make such orders with regard to the failure or refusal as are just, among them:

1. an order that the issues to which the information is relevant shall be deemed resolved for purposes of the action in accordance with the claims of the party obtaining the order; or

2. an order prohibiting the disobedient party from supporting or opposing designated claims or defenses, from producing in evidence designated things or items of testimony, or from introducing any evidence of the physical, mental or blood condition sought to be determined, or from using certain witnesses; or

3. an order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dis-

missing the action or any part thereof, or rendering a judgment by default against the disobedient party.

§12. Rule 3132 of such law and rules, as added by chapter 422 of the laws of 1963, is amended to read as follows:

Rule 3132. Service of interrogatories. After commencement of an action, any party may serve [upon any other party] written interrogatories *upon any other party.* [If service is made by any plaintiff upon any defendant within twenty days after service upon him of the summons and complaint, or service is made by any defendant upon the plaintiff within five days after service upon him of the summons and complaint,] *Interrogatories may not be served upon a defendant before that defendant's time for serving a responsive pleading has expired, except by* leave of court granted with or without notice [must be obtained]. A copy of the interrogatories and of any order made under this rule shall be served on each party.

§13. Rule 3133 of such law and rules, as added by chapter 422 of the laws of 1963, is amended to read as follows:

Rule 3133. [Objections] *Service of answers or objections* to interrogatories. (a) [When objection may be made] *Service of an answer or objection.* Within [ten] *twenty* days after service of interrogatories, the party upon whom they are served [may move upon notice to strike out any interrogatory, stating the grounds for objection.

(b) Suspension pending ruling. The answer to any interrogatory to which objection is made shall be deferred until the objections are ruled on by the court] *shall serve upon each of the parties a copy of the answer to each interrogatory, except one to which the party objects, in which event the reasons for the objection shall be stated with reasonable particularity.*

(b) Form of answers and objections to interrogatories. Interrogatories shall be answered in writing under oath by the party served, if an individual, or, if the party served is a corporation, a partnership or a sole proprietorship, by an officer, director, member, agent or employee having the information. Each question shall be answered separately and fully, and each answer shall be preceded by the question to which it responds.

(c) Amended answers. Except with respect to amendment or supplementation of responses pursuant to subdivision (h) of section 3101, answers to interrogatories may be amended or supplemented only by order of the court upon motion.

§14. Rule 3134 of such law and rules is REPEALED.

§15. Section 3140 of such law and rules, as added by chapter 640 of the laws of 1967, is amended to read as follows:

§3140. Disclosure of appraisals in proceedings for [condemnation] *condemnation*, appropriation or review of tax assessments. Notwithstanding the provisions of subdivisions (c) and (d) of section 3101, the [appellate division in each judicial department] *chief administrator of the courts* shall adopt rules governing the exchange of appraisal reports intended for use at the trial in proceedings for condemnation, appropriation or review of tax assessments.

§16. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

REPEAL NOTE.—Rule 3124, relating to motion to compel disclosure, would be REPEALED and replaced by new rule 3124. Rule 3134, relating to answers to interrogatories, would be REPEALED and the matter inserted in rule 3133.

7. Disclosure, Trial Preparation, Experts (CPLR 3101(d)(1)(i))(Uniform Rule 202.56)

The Committee recommends the amendment of CPLR 3101(d)(1)(i), relating to the pre-trial disclosure of information regarding the identity and the anticipated testimony of expert witnesses, to facilitate the mutual and coordinated pretrial exchange of information, of particular importance in complex cases, in order to avoid surprise. The Committee is cognizant of the general impression of both bench and bar that the provision for the pre-trial disclosure of information relating to experts, added to the CPLR in 1985, is not working as well as it should because of unreasonable delays by parties, both plaintiffs and defendants, in complying with disclosure requests under the provision. *See, e.g., Carroll* v. *Nunez*, 146 Misc.2d 422 (Sup. Ct., Ulster Co., 1990). The Committee recommends that the provision be amended to add the potential sanction that "a party may be precluded from offering evidence at trial as to an expert's opinions and the grounds for such opinions if the court finds that such party unreasonably failed to comply with a request under this paragraph [par. 1]".

While the Committee believes that the problem to be remedied occurs in all types of civil actions, because the Legislature has singled out medical malpractice actions for special procedural treatment (CPLR 3406), the Committee also recommends an ancillary amendment to section 202.56 of the Uniform Civil Rules for the Supreme Court and County Court (22 NYCRR 202.56), to provide that the court, at the mandatory preliminary conference, may require the parties to designate by specific dates prior to filing a certificate of readiness any experts expected to testify at trial. The Committee recommends further amendment of the rule to provide that a certificate of readiness or a note of issue may not be filed until a preliminary conference has been held pursuant to this subdivision, or until the party seeking to file the certificate of readiness has certified compliance by that party with all pretrial disclosure requested in that case, including that related to experts under section 3101(d)(1) of the Civil Practice Law and Rules.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to the pre-trial disclosure of experts' testimony

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subparagraph (i) of paragraph 1 of subdivision (d) of section 3101 of the civil practice law and rules, as amended by chapter 184 of the laws of 1988, is amended to read as follows:

(i) Upon request, each party shall identify each person whom the party expects to call as an expert witness at trial and shall disclose in reasonable detail the subject matter on which each expert is expected to testify, the substance of the facts and opinions on which each expert is expected to testify, the qualifications of each expert witness and a summary of the grounds for each expert's opinion. *A party may be precluded from offering evidence at trial as to an expert's opinions and the grounds for such opinions if the court finds that such party unreasonably failed to comply with a request under this paragraph.* However, where a party for good cause shown retains an expert an insufficient period of time before the commencement of trial to give appropriate notice thereof, the party shall not thereupon be precluded from introducing the expert's testimony at the trial solely on grounds of noncompliance with this paragraph. In that instance, upon motion of any party, made before or at trial, or on its own initiative, the court may make whatever order may be just. In an action for medical, dental or podiatric malpractice, a party, in responding to a request, may omit the names of medical, dental or podiatric experts but shall be required to disclose all other information concerning such experts otherwise required by this paragraph.

§2. This act shall take effect on the first day of January next succeeding the date on which it becomes a law.

The Committee further proposes the amendment of subdivisions (b) through (h) of section 202.56 of the Uniform Civil Rules for the Supreme Court and County Court (22 NYCRR 202.56(b)-(h)) to read as follows:

(b) Medical, Dental and Podiatric Malpractice Preliminary Conference. (1) The judge, assigned to the medical, dental or podiatric malpractice action, as soon as practicable after the filing of the notice of medical, dental or podiatric malpractice action, shall order and conduct a preliminary conference and shall take whatever action is warranted to expedite the final disposition of the case, including but not limited to:

(i) directing any party to utilize or comply forthwith with any pretrial disclosure procedure authorized by the Civil Practice Law and Rules;

(ii) fixing the date and time for such procedures provided that all such procedures must be completed within 12 months of the filing of the notice of medical, dental or podiatric malpractice action unless otherwise ordered by the court;

(iii) *requiring the parties to designate experts, if any, expected to testify at trial by specific dates prior to filing a note of issue and a certificate of readiness;*

(iv) establishing a timetable for offers and depositions pursuant to CPLR 3101(d)(1)(ii);

[(iv)] *(v)* directing the filing of a note of issue and a certificate of readiness when the action otherwise is ready for trial, provided that the filing of the note of issue and certificate of readiness, to the extent feasible, be no later than 18 months after the notice of medical, dental or podiatric malpractice action is filed;

[(v)] *(vi)* fixing a date for trial;

[(vi)] *(vii)* signing any order required;

[(vii)] *(viii)* discussing and encouraging settlement, including use of the arbitration procedures set forth in CPLR 3045;

[(viii)] *(ix)* limiting issues and recording stipulations of counsel; and

[(ix)] *(x)* scheduling and conducting any additional conferences as may be appropriate.

(2) A party failing to comply with a directive of the court authorized by the provisions of this subdivision shall be subject to appropriate sanctions, including costs, imposition of appropriate attorney's fees, dismissal of an action, claim, cross-claim, counterclaim or defense, or rendering a judgment by default. A certificate of readiness and a note of issue may not be filed until a precalendar conference has been held pursuant to this subdivision.

(3) Where parties are represented by counsel, only attorneys fully familiar with the action and authorized to make binding stipulations or commitments, or accompanied by a person empowered to act on behalf of the party represented, shall appear at the conference.

(c) *A certificate of readiness and a note of issue may not be filed until a preliminary conference has been held pursuant to subdivision (b) of this section, or until the party seeking to file the certificate of readiness and note of issue has certified compliance by that party with all pretrial disclosure requested in that case, including that related to experts under section 3101(d)(1) of the Civil Practice Law and Rules.*

8. Production of Records and Other Things by a Non-party Witness in Disclosure (CPLR 3111)

The Committee recommends that CPLR 3111 be amended to provide that the reasonable production expenses of a non-party witness shall be defrayed by the party seeking the discovery.

Where a non-party witness is required to produce information for discovery pursuant to CPLR 3120(b), the witness may rely upon a specific provision that the order must provide for the defraying of the non-party's expenses. However, where a non-party witness, subpoenaed under CPLR 3016, is required to produce records, even if voluminous, under CPLR 3111, there is no counterpart provision to reimburse the witness for his or her expenses incurred in complying with the required production. It is inappropriate and burdensome in such case, where the party demanding discovery does not agree reasonably to reimburse the witness, to require the witness to resort to an application under CPLR 3103 for a protective order.

The Committee believes that the most appropriate method to assure non-party witnesses protection against incurring unreimbursed expenses, which can be considerable, in an effort to comply with discovery, is to harmonize CPLR 3111 with CPLR 3120(b) by explicitly providing that reasonable production expenses must be defrayed, even in the deposition setting. This would establish a general rule that would avoid applications to court in most instances, leaving both the parties and non-party witness free to seek judicial relief if necessary under CPLR 3103 or 3124.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to the reimbursement of expenses for the production of things at an examination

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Rule 3111 of the civil practice law and rules is amended to read as follows:

Rule 3111. Production of things at the examination. The notice or subpoena may require the production of books, papers and other things in the possession, custody or control of the person to be examined to be marked as exhibits, and used on the examination. *The reasonable production expenses of a non-party witness shall be defrayed by the party seeking discovery.*

§2. This act shall take effect on the first day of January next succeeding that date on which it shall have become a law.

9. Use of Depositions (CPLR 3117(a)(2))

The Committee recommends the clarification of CPLR 3117(a)(2) with respect to the use of depositions.

CPLR 3117(a)(2), in prescribing which depositions may be used as evidence in chief by an adverse party, includes the depositions of various officials and agents of a party, but it singles out the party's "employee" for distinct treatment. Before the employee's deposition may be used (even by the adverse party), CPLR 3117(a)(2) requires a showing that the employee was "produced" by the employer-party, but it does not say expressly when this producing had to take place.

The context suggests that the employee had to be produced by the employer at the trial, and that is in fact the construction given to the rule by *Rodriguez* v. *Board of Education of the City of New York*, 104 A.D.2d 978 (2d Dept. 1984). What almost certainly was intended, however, is that it be shown that the employer produced the employee not at the trial, but at the deposition. It is at that point that the employee's loyalties would be relevant, giving the employee, if he or she is such at deposition time, the status of a "party" and enabling the adverse party to treat his deposition as such later on at the trial. That application of the rule makes more sense in trial practice (*see* Siegel, 1985 Commentary C3117:4 on McKinney's CPLR 3117) and the Advisory Committee has discerned that the application recommended here has been the most common one, and clearly the one preferred by members of the trial bar on both sides of litigation.

Rodriguez creates practical problems, *e.g.*, where an employee produced for pre-trial deposition by the employer-party has retired and relocated to another state. If the employee cannot be subpoenaed, the deposition should be usable at the trial. This problem arises frequently, especially in construction cases. *See, e.g., State University Construction Fund* v. *Kipphut & Neuman Co.*, 159 A.D.2d 1003 (4th Dept. 1990).

The amendment therefore alters the construction given the rule by *Rodriguez*, and adopts the preferred practice.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to use of depositions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph 2 of subdivision (a) of rule 3117 of the civil practice law and rules, as amended by judicial conference proposal number 2 for the year 1977, is amended to read as follows:

2. the deposition of a party or of any one who at the time of taking the deposition was an officer, director, member, or managing or authorized agent of a party, or the deposition of an employee of a party produced *at the taking of the deposition* by that party, may be used for any purpose by any adversely interested party;

§2. This act shall take effect immediately.

10. Notice to Defaulting Party (CPLR 3215(g)(1))

The Committee recommends that CPLR 3215(g)(1), as amended by chapter 584 of the Laws of 1990, and as subsequently relettered by chapter 255 of the laws of 1992, be amended further to clarify an ambiguity occasioned by the 1990 amendment.

The 1990 amendment requires the giving of notice by the party seeking a default judgment when the clerk enters such a judgment. CPLR 3215(g)(1) now provides for five days' notice to a defaulting party who appeared in the action, not only where a motion to enter default judgment must be made to the court, but also in cases involving a sum certain, where a judgment may be entered upon application to the clerk without a formal motion. The language is technically deficient in that literally it appears to link the notice that must be given when the clerk enters default judgment to the making of a motion, although, clearly, no formal motion to the court is required, or should be required in that circumstance. If not rectified, this ambiguity will confuse the bar, the courts and court clerks as to the proper procedures when judgment is entered by the clerk.

The Committee urges clarification of the provision by eliminating the term "motion" and substituting a reference to an application made to a judge or the clerk.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to notice to defaulting party

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph 1 of subdivision (g) of section 3215 of the civil practice law and rules, as such subdivision was relettered by chapter 255 of the laws of 1992, is amended to read as follows:

1. Except as otherwise provided with respect to specific actions, [if] *whenever* application [must be] *is* made to the court or [if judgment is entered by] *to* the clerk, any defendant who has appeared is entitled to at least five days' notice of the time and place of the [motion] *application*, and if more than one year has elapsed since the default any defendant who has not appeared is entitled to the same notice unless the court orders otherwise. The court may [also] dispense with the requirement of notice when a defendant who has appeared has failed to proceed to trial of an action reached and called for trial.

§2. This act shall take effect immediately.

11. Prejudgment Interest after Offers to Compromise and in Personal Injury Actions (CPLR 3221, 5001(a)(b))

The Committee recommends that CPLR 3221 be amended to provide that where an offer to compromise is proffered in any action by a party against whom a claim is asserted, but is not accepted by the claimant, if the claimant fails to obtain a more favorable judgment, the claimant's recovery of interest as well as costs shall be limited to the period preceding the offer. The amendment of CPLR 3221 is designed to encourage parties to settle claims at an early stage by potentially affecting the amount of interest as well as costs recoverable upon judgment.

The Committee also recommends that subdivisions (a) and (b) of CPLR 5001, relating to prejudgment interest, be amended to provide for the prejudgment accrual of interest in a personal injury action. CPLR 5001(a) designates the types of actions in which prejudgment interest now is accruable, and CPLR 5001(b) fixes the date from which interest accrues in those actions. This measure would add personal injury actions to those which are now included in subdivision (a). It also would specify in subdivision (b) that such interest shall run from the date of the filing of the note of issue or notice of trial, whichever is appropriate, to the date of verdict, report or decision, exclusively on special and general damages incurred to the date of such verdict, report or decision. Both subdivisions (a) and (b) of CPLR 5001 would be restructured to achieve greater order and cohesiveness.

The amendment to CPLR 3221 gives an incentive to plaintiffs to settle or proceed expeditiously to trial; the amendment to CPLR 5001 gives the same incentive to defendants.

The proposal, based on considerations of equity and effective case disposition, reflects a growing national trend. Twenty-seven states, as opposed to five in 1965, now require an award of prejudgment interest in personal injury and wrongful death actions. New York's EPTL §5-4.3 already provides for such interest in a wrongful death action. The proposal, by selecting the note of issue filing date as the point at which interest begins to accrue, is designed to strike a balance of equities between plaintiff and defendant while fostering disposition. Such balance discourages undue delay by a plaintiff who might be tempted to seek accumulation of interest from an earlier accrual date, and discourages excessive reticence in settling by a defendant who might be prompted to delay settlement if the accrual date were later. Interest would be computed on awards only, since settlements are concluded with interest in mind, and the imposition of additional interest where settlements are achieved would be inequitable.

Several stylistic changes of a non-substantive nature also are recommended by the Committee in these provisions.

Punitive damages are not included in the proposal because they are not compensatory. Interest is omitted on future damages because interest should not accrue on damage that has not been incurred.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to offers to compromise and in relation to computation of interest in personal injury actions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Rule 3221 of the civil practice law and rules is amended to read as follows:

Rule 3221. Offer to compromise. Except in a matrimonial action, at any time not later than ten days before trial, any party against whom a claim is asserted, and against whom a separate judgment may be taken, may serve upon the claimant a written offer to allow judgment to be taken against [him] *that party* for a sum or property or to the effect therein specified, with costs then accrued. If within ten days thereafter the claimant serves a written notice [that he accepts] *accepting* the offer, either party may file the summons, complaint and offer, with proof of acceptance, and thereupon the clerk shall enter judgment accordingly. If the offer is not accepted and the claimant fails to obtain a more favorable judgment, [he] *the claimant* shall not recover costs *or interest* from the time of the offer, but shall pay costs from that time. An offer of judgment shall not be made known to the jury.

§2. Subdivisions (a) and (b) of section 5001 of such law and rules are amended to read as follows:

(a) Actions in which recoverable. *1.* Interest *to verdict, report or decision* shall be recovered upon a sum awarded [because of a breach of performance of a] *in an action based on personal injury,* contract, or [because of] an act or omission depriving or otherwise interfering with title to, or possession or enjoyment of, property [,except that].

2. Interest may be awarded in the court's discretion in an action of an equitable nature [, interest and the] *at a* rate [and date from which it shall be] computed [shall be] in the court's discretion.

(b) Date from which computed*; type of damage on which computed.* Interest *recoverable in the actions specified in subdivision (a) of this section shall be computed as follows:*

1. in an action for personal injury, interest on the sum awarded shall be computed from the date of filing of the note of issue or notice of trial, whichever is appropriate, but shall be based exclusively on special and general damages incurred to the date of such verdict, report or decision;

2. in an action based upon contract, or an act or omission depriving or otherwise interfering with title to, or possession or enjoyment of, property, interest shall be computed from the earliest ascertainable date the cause of action existed, except that interest upon damages incurred thereafter shall be computed from the date incurred. Where such damages were incurred at various times, interest shall be computed upon each item from the date it was incurred or upon all of the damages from a single reasonable intermediate date*; and*

3. in an action of an equitable nature, interest shall be computed from a date fixed in the court's discretion.

§3. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law, except that: (1) section one shall apply only to actions in which the offer to compromise was made on or after such effective date, and (2) section two shall apply only to actions in which a note of issue or notice of trial, whichever is appropriate, has been filed on or after such effective date.

12. Itemized Verdicts and Periodic Payment of Judgments in Certain Actions (CPLR 4111(d)(f))

The Committee recommends the amendment of CPLR 4111(d) and 4111(f) to correct a troublesome procedural ambiguity created by a provision of Chapter 184 of the Laws of 1988.

Article 50-A of the CPLR (periodic payment of judgments in medical and dental malpractice cases), added by L. 1985, c. 294, became effective on July 1, 1985. Article 50-B of the CPLR (periodic payment of judgments in personal injury, injury to property and wrongful death actions), added by L. 1986, c. 682, became effective on July 30, 1986. These enactments were intended to coordinate CPLR 4111(d) (itemized verdict in medical, dental or podiatric malpractice actions) and CPLR 4111(f) (itemized verdict in certain actions [personal injury, injury to property, wrongful death]) with CPLR Articles 50-A and 50-B. However, chapter 184 of the Laws of 1988, effective July 1, 1988, provided, *inter alia*, that the itemized verdict requirements of CPLR 4111(d) and (f) shall apply to "all actions in which a trial has not commenced as of August 1, 1988," but did not change the effective date of the application of CPLR Articles 50-A and 50-B.

Failure to synchronize the effective dates of the two sets of provisions has produced a procedural lacuna in which pre-1985 medical malpractice actions and pre-1986 tort actions, which were not tried before August 1, 1988, although subject to the itemized verdict provisions, are not subject to the structured judgments provisions. This creates an anomaly, especially since CPLR 4111(d) and 4111(f) provide that, "In computing said damages, the jury shall be instructed to award the full amount of future damages, as calculated, without reduction to present value." Calculation of the present value of future damages, or the present cost of providing an annuity to provide for future periodic payments, should be effected when a structured judgment is entered under the provisions of CPLR Article 50-A or 50-B. If those articles are inapplicable, the court and parties find it difficult to determine the appropriate procedure. *See Jeras* v. *East Manufacturing Corp.*, 143 Misc.2d 188 (Sup. Ct., Niagara Co., 1989), *rev'd on other grounds*, 134 A.D.2d 938 (4th Dept., 1989).

Although this problem sometimes is resolved by stipulations to not apply fully the itemized verdict provisions of CPLR 4111 to actions not governed by CPLR Articles 50-A or 50-B, or to allow proof of present value of future damages in such actions, statutory rectification is essential. This measure remedies the problem by providing that the itemized verdict provisions of CPLR 4111(d)(f), requiring that, in computing damages, juries shall be instructed to award the full amount of future damages, as calculated, without reduction to present value, shall be applicable only in actions in which the structured settlement provisions of CPLR Articles 50-A or 50-B also are applicable.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to itemized verdicts and periodic payment of judgments in certain actions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions (d) and (f) of rule 4111 of the civil practice law and rules, subdivision (d) as amended by chapter 485 and subdivision (f) as added by chapter 682 of the laws of 1986, are amended to read as follows:

(d) Itemized verdict in medical, dental or podiatric malpractice actions. In a medical, dental or podiatric malpractice action the court shall instruct the jury that if the jury finds a verdict awarding damages it shall in its verdict specify the applicable elements of special and general damages upon which the award is based and the amount assigned to each element, including but not limited to medical expenses, dental expenses, podiatric expenses, loss of earnings, impairment of earning ability, and pain and suffering. In a medical, dental or podiatric malpractice action, each element shall be further itemized into amounts intended to compensate for damages which have been incurred prior to the verdict and amounts intended to compensate for damages to be incurred in the future. In itemizing amounts intended to compensate for future damages, the jury shall set forth the period of years over which such amounts are intended to provide compensation. In *actions in which Article 50-A or Article 50-B applies, in* computing said damages, the jury shall be instructed to award the full amount of future damages, as calculated, without reduction to present value.

(f) Itemized verdict in certain actions. In an action brought to recover damages for personal injury, injury to property or wrongful death, which is not subject to subdivisions (d) and (e) of this rule, the court shall instruct the jury that if the jury finds a verdict awarding damages, it shall in its verdict specify the applicable elements of special and general damages upon which the award is based and the amount assigned to each element including, but not limited to, medical expenses, dental expenses, loss of earnings, impairment of earning ability, and pain and suffering. Each element shall be further itemized into amounts intended to compensate for damages that have been incurred prior to the verdict and amounts intended to compensate for damages to be incurred in the future. In itemizing amounts intended to compensate for future damages, the jury shall set forth the period of years over which such amounts are intended to provide compensation. In *actions in which Article 50-A or Article 50-B applies, in* computing said damages, the jury shall be instructed to award the full amount of future damages, as calculated, without reduction to present value.

§2. This act shall take effect immediately.

13. Basis for Determining Periodic Judgments (CPLR 5031(e), 5041(e))

The Committee recommends the amendment of CPLR 5031(e) and 5041(e), with respect to the basis for determining a judgment that requires periodic payments in a medical or dental malpractice action or in a personal injury action, to replace the present unclear statutory directions for reducing to present value awards in excess of $250,000.

The present provisions require the court to apply "the discount rate in effect at the time of the award." This has led to a multiplicity of inconsistent approaches, including mini-hearings after the trial involving economic experts. The Committee recommends the substitution of a specific, easily ascertainable, discount rate, *i.e.*, "the discount rate reported by the New York Federal Reserve Bank as of the last banking day of the year immediately preceding the award." This change should result in more expeditious filing of periodic judgments, a saving in both attorney-time and judicial-time, and greater consistency and fairness in the application of the statute.

The Committee is aware that other problems exist with respect to CPLR Articles 50-A and 50-B. One of those, involving the coordination of these provisions with CPLR 4111(d) and (f) (itemized verdicts), is the subject of a separate proposal by the Committee. *See* pages 51-54, *supra*. Another problem, the appropriate figure to use to calculate anticipated inflation, now set at a flat four percent, has been the subject of study by the Committee. However, the Committee at this time does not recommend a change in that formula, nor does it recommend any particular solution to the danger that may exist that the inflation factor may be added twice in calculating the judgment, once by the jury and once by the judge. The experience of the Committee is that the "four percent" formula is "roughly", if not entirely, adequate, so that in the absence of a consensus for a better formula, no change is proposed at this time. This does not foreclose a future recommendation by the Committee as to how best to calculate inflation in determining future periodic payments.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to the basis for determining periodic judgments

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (e) of section 5031 of the civil practice law and rules, as amended by chapter 485 of the laws of 1986, is amended to read as follows:

(e) With respect to awards of future damages in excess of two hundred fifty thousand dollars in an action to recover damages for dental, medical or podiatric malpractice, the court shall enter judgment as follows:

After making any adjustments prescribed by subdivisions (b), (c) and (d) of this section, the court shall enter a judgment for the amount of the present value of an annuity contract that will provide for the payment of the remaining amounts of future damages in periodic installments. The present value of such contract shall be determined in accordance with generally accepted actuarial practices by applying the discount rate [in effect at the time of] *reported by the New York Federal Reserve Bank as of the last banking day of the year immediately preceding* the award to the full amount of the remaining future damages, as calculated pursuant to this subdivision. The period of time over which such periodic payments shall be made and the period of time used to calculate the present value of the annuity contract shall be the period of years determined by the trier of fact in arriving at the itemized verdict; provided, however, that the period of time over which such periodic payments shall be made and the period of time used to calculate the present value for damages attributable to pain and suffering shall be ten years or the period of time determined by the trier of fact, whichever is less. The court, as part of its judgment, shall direct that the defendants and their insurance carriers shall be required to offer and to guarantee the purchase and payment of such an annuity contract. Such annuity contract shall provide for the payment of the annual payments of such remaining future damages over the period of time determined pursuant to this subdivision. The annual payment for the first year shall be calculated by dividing the remaining amount of future damages by the number of years over which such payments shall be made and the payment due in each succeeding year shall be computed by adding four percent to the previous year's payment. Where payment of a portion of the future damages terminates in accordance with the provisions of this article, the four percent added payment shall be based only upon that portion of the damages that remains subject to continued payment. Unless otherwise agreed, the annual sum so arrived at shall be paid in equal monthly installments and in advance.

§2. Subdivision (e) of section 5041 of such law and rules, as added by chapter 682 of the laws of 1986, is amended to read as follows:

(e) With respect to awards of future damages in excess of two hundred fifty thousand dollars in an action to recover damages for personal injury, injury to property or wrongful death, the court shall enter judgment as follows:

After making any adjustment prescribed by subdivisions (b), (c) and (d) of this section, the court shall enter a judgment for the amount of the present value of an annuity contract that will provide for the payment of the remaining amounts of future damages in periodic installments. The present value of such contract shall be determined in accordance with generally accepted actuarial practices by applying the discount rate [in effect at the time of] *reported by the New York Federal Reserve Bank as of the last banking day of the year immediately preceding* the award to the full amount of the remaining future damages, as calculated pursuant to this subdivision. The period of time over which such periodic payments shall be made and the period of time used to calculate the present value of the annuity contract shall be the period of years determined by the trier of fact in arriving at the itemized verdict; provided, however, that the period of time over which such periodic payments shall be made and the period of time used to calculate the present value for damages attributable to pain and suffering shall be ten years or the period of time determined by the trier of fact, whichever is less. The court, as part of its judgment, shall direct that the defendants and their insurance carriers shall be required to offer and to guarantee the purchase and payment of such an annuity contract. Such annuity contract shall provide for the payment of the annual payments of such remaining future damages over the period of time determined pursuant to this subdivision. The annual payment for the first year shall be calculated by dividing the remaining amount of future damages by the number of years over which such payments shall be made and the payment due in each succeeding year shall be computed by adding four percent to the previous year's payment. Where payment of a portion of the future damages terminates in accordance with the provisions of this article, the four percent added payment shall be based only upon that portion of the damages that remains subject to continued payment. Unless otherwise agreed, the annual sum so arrived at shall be paid in equal monthly installments and in advance.

§3. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

14. Notification of Application for Temporary Restraining Order
(CPLR 6313(a)) (Civil Service Law 211)

The Committee recommends that CPLR 6313(a) be amended to regularize the giving of notification to other parties upon application for a temporary restraining order, thereby curtailing unwarranted *ex parte* orders for such relief by introducing a simple and expeditious method that also would provide for TROs without such notification when appropriate.

This measure would provide that the application for a TRO shall be made on notification to the other parties unless the plaintiff shows, by affidavit or affirmation, that the giving of notification is impracticable or would defeat the purpose of the order. If the court grants the TRO without notification, the court shall state in the order the reason for dispensing with notification. The term "notification" is used in preference to the term "notice" to make it clear that the notification to other parties required upon application for a TRO is not the formal eight days' notice required for a formal motion; in appropriate circumstances, notification by telephone, for example, would suffice.

The aim of a preliminary injunction is to prevent irreparable injury or to preserve the *status quo* between parties to litigation pending final judgment. The aim of a temporary restraining order is to accomplish the same ends while application is being made for a preliminary injunction. Given this function, it frequently is assumed that each instance of an application for a temporary restraining order is one in which the urgency of the interim injunctive relief being sought is too great to allow for time spent to notify the other side. The experience of most judges, however, suggests that while occasionally there is a showing of an exigency that warrants completely dispensing with such notification, many cases involve no such urgency, and no prejudice will ensue to any party where steps are taken to give notification of the application for the order.

Prior notification also avoids a two-step procedure under which notification would not be given until ordered by the court, for in that procedure a direction that notification be given would require that the application then be resubmitted to the court.

The Committee also recommends the amendment of the provision barring a TRO against a public officer, board, or municipal corporation to restrain the performance of statutory duties to reflect the current practice of allowing applications for TROs against public entities upon prior notification.

The Committee further recommends an amendment to section 211 of the Civil Service Law, to clarify the minimal type of notification required with respect to temporary restraining orders in cases involving injunctive relief sought by public employers with respect to public employees under the Taylor Law.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to notification of application for a temporary restraining order

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (a) of section 6313 of the civil practice law and rules, as amended by chapter 235 of the laws of 1982, is amended to read as follows:

(a) Generally. If, on a motion for a preliminary injunction, the plaintiff shall show that immediate and irreparable injury, loss or damages will result unless the defendant is restrained before a hearing can be had, a temporary restraining order may be granted without notice. *Notification of an application for a temporary restraining order shall, however, be given to the defendant, unless the plaintiff shows, by affidavit or affirmation, that the giving of such notification is impracticable or would defeat the purpose of the order. If the court grants the temporary restraining order without notification, the court shall state in the order the reason for dispensing with notification.* Upon granting a temporary restraining order, the court shall set the hearing for the preliminary injunction at the earliest possible time. No temporary restraining order may be granted in an action arising out of a labor dispute as defined in section eight hundred seven of the labor law[, nor]. *No temporary restraining order may be granted without notification* against a public officer, board or municipal corporation of the state to restrain the performance of statutory duties.

§2. Section 211 of the civil service law, as added by chapter 392 of the laws of 1967, is amended to read as follows:

§211. Application for injunctive relief. Notwithstanding the provisions of section eight hundred seven of the labor law, where it appears that public employees or an employee organization threaten or are about to do, or are doing, an act in violation of section two hundred ten of this article; the chief executive officer of the government involved shall (a) forthwith notify the chief legal officer of the government involved, and (b) provide such chief legal officer with such facilities, assistance and data as will enable the chief legal officer to carry out his *or her* duties under this section, and, notwithstanding the failure or refusal of the chief executive officer to act as aforesaid, the chief legal officer of the government involved shall forthwith apply to the supreme court for an injunction against such violation. *In an application for a temporary restraining order made pursuant to this section, notification in accordance with section sixty-three hundred thirteen of the civil practice law and rules shall consist of either: (1) a telephonic, facsimile, or verbal communication with or to the defendant, advising that an application to a court will be made to restrain actual or impending conduct, as the case may be; or (2) a good faith attempt to so communicate. The only evidence to be required regarding the giving of such notification or the attempt to do so shall be the sworn testimony of the person acting on behalf of the plaintiff.* If an order of the court enjoining or restraining such violation does not receive compliance, such chief legal officer shall forthwith apply to the supreme court to punish such violation under section seven hundred fifty of the judiciary law.

§3. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

15. Filing of Notice of Pendency (CPLR 6501)

The Committee recommends that CPLR 6501 be amended to make it clear that a notice of pendency may not be filed in a summary proceeding brought to recover the possession of real property.

CPLR 6501 provides that a notice of pendency may be filed in an action in which "the judgment demanded would affect the title to, or the possession, use or enjoyment of, real property". The question whether this definition includes summary proceedings to recover the possession of real property recently divided the Appellate Division, Third Department in *Nadeau* v. *Tuley*, 160 A.D.2d 1130 (1990), appeal dismissed, 76 N.Y.2d 846 (1990), where the majority answered the question in the negative and the dissent in the affirmative. The dissent stated, however, that "recognizing a great potential for mischief, we would call upon the Legislature to consider amending CPLR 6501 so as to exclude tenancies of limited duration from its coverage." The majority held that "literal construction of CPLR 6501 would bring about an unreasonable, if not absurd result in this case since, when a notice of pendency is filed in an action asserting a right to possession of realty under a month-to-month tenancy, the provisional remedy places a greater servitude upon the realty than the interest asserted in the underlying action." The majority also noted that "a notice of pendency has a 'powerful impact' upon the alienability of property, particularly 'conjoined with the facility with which it may be obtained'".

The Advisory Committee recommends that CPLR 6501 be amended to codify the holding in *Nadeau* v. *Tuley*, *supra*., to clarify that a *lis pendens* may not be filed in a summary proceeding.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to the filing of a notice of pendency

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 6501 of the civil practice law and rules, as amended by chapter 532 of the laws of 1963, is amended to read as follows:

§6501. Notice of pendency; constructive notice. A notice of pendency may be filed in any action in a court of the state or of the United States in which the judgment demanded would affect the title to, or the possession, use or enjoyment of, real property, *except in a summary proceeding brought to recover the possession of real property*. The pendency of such an action is constructive notice, from the time of filing of the notice only, to a purchaser from, or incumbrancer against, any defendant named in a notice of pendency indexed in a block index against a block in which property affected is situated or any defendant against whose name a notice of pendency is indexed. A person whose conveyance or incumbrance is recorded after the filing of the notice is bound by all proceedings taken in the action after such filing to the same extent as [if he were] a party.

§2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

16. Compensation of Referees Appointed to Sell Real Property (CPLR 8003(b))

The Committee has been made aware of an odd disparity incorporated in CPLR 8003(b). As construed (*see Schorner* v. *Schorner*, 128 Misc.2d 415 (1985)), the statute appears to permit the court, in its discretion, to award increased compensation, where warranted, to a referee appointed by a court to sell property in an action to foreclose a mortgage, but not in an action for partition. The Committee believes that there is no reason to treat referees appointed by a court to sell property differently with respect to compensation merely because the sales are the consequence of judgments rendered in different types of actions. No matter what the nature of the underlying action, the referee's assignment to sell property is the same.

The Committee also is aware that the statutorily-prescribed compensation of referees appointed to sell real property has not been increased since 1976. Accordingly, it has become increasingly difficult to attract lawyers willing to undertake such appointments. For this further reason, it favors an increase in the current rates of compensation.

Both flaws in CPLR 8003(b) can and should be eliminated by the deletion of the archaic language from the text of the provision, as proposed.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to the compensation of referees appointed to sell real property

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (b) of section 8003 of the civil practice law and rules, as amended by chapter 700 of the laws of 1976, is amended to read as follows:

(b) Upon sale of real property. A referee appointed to sell real property pursuant to a judgment is entitled to the same fees and disbursements as those allowed to a sheriff. Where a referee is required to take security upon a sale, or to distribute, apply, or ascertain and report upon the distribution or application of any of the proceeds of the sale, he *or she* is also entitled to one-half of the commissions upon the amount secured, distributed or applied as are allowed by law to an executor or administrator for receiving and paying out money. Commissions in excess of fifty dollars shall not be allowed upon a sum bid by a party, and applied upon that party's judgment, without being paid to the referee. A referee's compensation, including commissions, upon a sale pursuant to a judgment in [an] *any* action [to foreclose a mortgage] cannot exceed [two hundred dollars, or pursuant to any other judgment,] five hundred dollars, unless the property sold for [ten] *fifty* thousand dollars or more, in which event the referee may receive such additional compensation as to the court may seem proper.

§2. This act shall take effect immediately.

III New or Modified Measures

1. Clarification of Commencement of Period of Limitations in Action against a Public Body or Officer

(CPLR 217(1))(new measure)

The Committee recommends that CPLR 217(1) be amended to make it clear when the period of limitations commences to run, within which an aggrieved party may bring an Article 78 proceeding to review a determination made by or a refusal to act by a public agency, body or officer. At present, although CPLR 217 provides that the period begins when the determination or refusal becomes final and binding, that point often factually is ambiguous and much litigation takes place to determine the point of "finality". An aggrieved party unwittingly may permit the period of limitations to expire; alternatively, a public agency may be unsure if its determination remains subject to legal challenges. The purpose of the bill is to require the agency to give notice to potentially aggrieved parties as to when the period during which they may seek court review commences.

The recommended measure would provide in new paragraph (b) of CPLR 217 that whenever a written determination or refusal is provided, the petitioner must commence the proceeding within four months, or any applicable shorter time, from the mailing by the respondent of written notice stating that the petitioner is entitled to seek court review of such determination or refusal. Several ancillary technical amendments also would be made.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to a written notice of the commencement of the period of limitations in an article 78 proceeding

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision one of section 217 of the civil practice law and rules, as amended by chapter 467 of the law of 1990, is amended to read as follows:

1. [Unless] *(a) Except where paragraph (b) is applicable, and unless* a shorter time is provided in the law authorizing the proceeding, a proceeding against a body or officer must be commenced within four months after the determination to be reviewed becomes final and binding upon the petitioner or the person whom he *or she* represents in law or in fact, or after the respondent's refusal, upon the demand of the petitioner or the person whom he *or she* represents, to perform its duty; or with leave of the court where the petitioner or the person whom he *or she* represents, at the time [such] *the* determination *sought to be reviewed* became final and binding [upon him] or at the time of [such] *the respondent's* refusal *to perform its duty*, was under a disability specified in section 208, *a proceeding may be brought* within two years after such time.

(b) Whenever a written determination or refusal is provided to a named petitioner or the person whom the petitioner represents, a proceeding against a body or officer by the petitioner must be commenced within four months, or any shorter time provided in the law, from the mailing by the respondent of written notice stating that the petitioner is entitled to seek court review of such determination or refusal.

§2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

2. Mail Drop Address as Actual Place of Business for purposes of service

(CPLR 308(6)) [new]

The Committee recommends that a new subdivision 6 be added to CPLR 308, governing personal service upon a natural person, to provide that where a person designates, through regular solicitation or advertisement, an address, including a private mail drop, as the address to which business correspondence should be mailed, indicating this on business letterhead, or in the telephone yellow pages, or on business vehicles, etc., such address, including a mail drop, should suffice as "the actual place of business" for the purpose of receiving service of process.

Frequently, for purposes of convenience, persons doing business select a commercial mail drop to receive their business correspondence. The mail drop affords an actual business address, not a box number, and this address may be placed on the person's business letterhead, advertisements in the yellow pages and elsewhere, and printed on the business's commercial vehicles. The commercial mail drop services many businesses, and technically, may not be the "actual place of business" of the persons who receive mail there. Neither is the commercial mail drop an agent designated to receive service. Plaintiffs with claims against such persons, when they must resort to delivering a summons or mailing a summons to a person at "his or her actual place of business" have no way of knowing that the so-called "business address" is a mere mail drop, and many unknowingly make improper service by serving the defendant at the mail drop address.

The Committee believes that where a person publicly designates a mail drop address as his or her place for receiving business mail, a person having a claim against such person should be able to rely upon the address as constituting the person's "actual place of business" as understood in CPLR 308. New subdivision 6 would so provide.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to the actual place of business of a defendant, for purposes of service.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 308 of the civil practice law and rules is amended to add a new subdivision 6, to read as follows:

6. For purposes of this section, "actual place of business" shall include any location that the defendant, through regular solicitation or advertisement, has held out as its place of business.

§2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

3. Service of Process by Mail (CPLR 312-a) [new]

The Committee, in consultation with the CPLR Committee of the Commercial and Federal Litigation Section of the New York State Bar Association, recommends several technical amendments to CPLR 312-a (service of process by mail), designed to increase the use of this highly beneficial but under-utilized provision by eliminating some uncertainty and increasing its effectiveness.

CPLR 312-a, enacted as an experimental provision by Chapter 274 of the Laws of 1989, took effect on January 10, 1990, and was made permanent by Chapter 249 of the Laws of 1991. The statute was introduced at the request of the Office of Court Administration, upon recommendation of this Committee. The statute provides a method of service by ordinary mail that is an alternative to service by personal delivery, and requires return of an acknowledgement of receipt by the defendant to be complete.

Experience gained during the three years that this statute has been operational indicates that some litigants may be confused by certain provisions, and by portions of the implementing forms, which are easily clarified by amendment. The following clarifications are recommended:

CPLR 312-a(a) (service) should be amended to permit an authorized employee of the plaintiff to make service by mail, and to permit an authorized employee of the defendant to acknowledge and complete service by signing the acknowledgment of receipt and mailing it to the sender. This accords with the statutory intent.

CPLR 312-a(f) (disbursements) should be amended to provide that where no return is made by a person declining to accept service by mail, and where the plaintiff, without good cause, is put to the trouble and expense of serving the defendant by an alternative method, the reasonable expense of serving process by the alternative method should be taxed by the court as a disbursement to the party serving process. This may prod a defendant who has no reasonable grounds to decline to accept service by mail to do so.

In addition, minor clarifying changes should be made in the two forms that are used in this procedure, the statement of service by mail form and the acknowledgement of receipt of summons and complaint form.

This measure would make these technical changes.

AN ACT

to amend the civil practice law and rules, in relation to the service of process by mail.

The People of the State of New York, represented in the Senate and Assembly, do enact as follows:

Section 1. Section 312-a of the civil practice law and rules, as added by chapter 274 of the laws of 1989, paragraph 1 of subdivision (b) of such section as amended by chapter 216 of the laws of 1992, is amended to read as follows:

§ 312-a. Personal Service by Mail

(a) Service. As an alternative to the methods of personal service authorized by section 307, 308, 310, 311 or 312 of this article, a summons and complaint, or summons and notice, or notice of petition and petition may be served by the plaintiff, *an authorized employee of the plaintiff*, the plaintiff's attorney or an employee of the attorney by mailing to the person or entity to be served, by first class mail, postage prepaid, a copy of the summons and complaint, or summons and notice or notice of petition and petition, together with two copies of a statement of service by mail and acknowledgement of receipt in the form set forth in subdivision (d) of this section, with a return envelope, postage prepaid, addressed to the sender.

(b) Completion of service and time to answer. 1. The defendant, *an authorized employee of the defendant*, defendant's attorney or an employee of the attorney must complete the acknowledgment of receipt and mail or deliver [a] *one* copy of it within thirty *(30)* days from the date of receipt. Service is complete on the date the signed acknowledgement of receipt is mailed or delivered to the sender. The signed acknowledgment of receipt shall constitute proof of service.

2. Where a complaint or petition is served with the summons or notice of petition, the defendant shall serve an answer within twenty *(20)* days after the date the signed acknowledgment of receipt is mailed or delivered to the sender.

(c) Affirmation. The acknowledgement of receipt of service shall be subscribed and affirmed as true under penalties of perjury and shall have the same force and effect as an affidavit.

(d) Form. The statement of service by mail and the acknowledgment of receipt of such service shall be in substantially the following form:

Statement of Service by Mail and
Acknowledgment of Receipt by Mail of
Summons and Complaint or Summons and Notice
or Notice of Petition and Petition
[CAPTION]

A. STATEMENT OF SERVICE BY MAIL

To: (Insert the name and address of the person or entity to be served.) The enclosed summons and complaint, or summons and notice, or notice of petition and petition *(strike out inapplicable terms)* are served pursuant to Section 312-a of the Civil Practice Law and Rules.

To avoid being charged with the expense of service upon you, you must sign, date and complete the acknowledgement part of this form and mail or deliver one copy of the completed form to the sender within thirty (30) days from the date you receive it. *You should keep a copy for your records or your attorney.* If you wish to consult an attorney, you should do so as soon as possible before the thirty (30) days expire.

If you do not complete and return the form to the sender within thirty (30) days, you (or the party on whose behalf you are being served) [may] *will* be required to pay expenses incurred in serving the summons and complaint, or summons and notice, or notice of petition and petition in any other manner permitted by law, and the cost of such service as permitted by law [may] *will* be entered as a judgment against you.

If you have received a complaint or petition with this statement, the return of this statement and acknowledgment does not relieve you of the necessity to answer the complaint or petition. The time to answer expires twenty (20) days after the day you mail or deliver this form to the sender. If you wish to consult with an attorney, you should do so as soon as possible before the twenty (20) days expire.

If you are served on behalf of a corporation, unincorporated association, partnership or other entity, you must indicate under your signature your relationship to the entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

It is a crime to forge a signature or to make a false entry on this statement or on the acknowledgment.

[..............................
Signature

....
Print Name

....
Address]

B. ACKNOWLEDGEMENT OF RECEIPT OF SUMMONS AND COMPLAINT OR SUMMONS AND NOTICE OR NOTICE OF PETITION AND PETITION

I received a summons and complaint, or summons and notice, or notice of petition and petition *(strike out inapplicable terms)* in the above-captioned matter at (insert address). PLEASE CHECK ONE OF THE FOLLOWING; IF 2 IS CHECKED, COMPLETE AS INDICATED:

1./ / I am not in military service.

2./ / I am in military service, and my rank, serial number, and branch of service are as follows:

Rank:

____

Serial Number:

____

Branch of Service:

____

TO BE COMPLETED REGARDLESS OF MILITARY STATUS:

Date:

____
(Date this Acknowledgement is executed)

I affirm the above as true under penalty of perjury.

____
Signature

____
Print Name

____

Name of Defendant for which acting
[Relationship to entity/Authority
to Receive Service of Process]

____

Position with Defendant for which acting (i.e., officer, attorney, etc.)

PLEASE COMPLETE ALL BLANKS INCLUDING DATES

(e) Subsequent service. Where a duly executed acknowledgement is not returned, upon the subsequent service of process in another manner permitted by law, the summons or notice of petition or paper served with the summons or notice of petition shall indicate that an attempt previously was made to effect service pursuant to this section.

(f) Disbursements. Where the signed acknowledgement of receipt is not returned within thirty (30) days after receipt of the documents mailed pursuant to subdivision (a) of this section, the reasonable expense of serving process by an alternative method shall be taxed by the court *on notice pursuant to CPLR 8402* as a disbursement to the party serving process, [if that party is awarded costs in the action or proceeding] *and the court shall direct immediate judgment in that amount.*

Section 2. This act shall take effect on the first day of January next succeeding the date it shall have become a law.

4. Poor Person Relief (CPLR 1101(c)) (new)

The Committee recommends that CPLR 1101(c) be amended to clarify a technical ambiguity arising out of the enactment of Chapter 216 of the Laws of 1992 with respect to the need to give notice of a motion to proceed as a poor person, when the motion is filed simultaneously with the commencement of an action.

CPLR 1101(c) provides that if an action has already been commenced, notice of a motion to proceed as a poor person must be served on all parties as well as upon the county attorney or, in New York City, upon the corporation counsel. On the other hand, the provision provides that if the motion is made before an action is commenced, it may be made *ex parte*.

Until the enactment of Chapter 216 of the Laws of 1992, effective July 1, 1992, providing for the commencement of an action in the Supreme or County Court by filing the summons with the clerk of the court, rather than by service of the summons on the defendant, CPLR 1101(c) could be applied without ambiguity, because a motion to proceed as a poor person either preceeded or followed service of process. However, with the advent of the new system for commencing an action, by filing the summons, the commencing of the action and the filing of the motion to proceed as a poor person normally will be simultaneous, a procedure not addressed by CPLR 1101(c), because not foreseen when CPLR 1101(c) was enacted.

The Committee recommends an amendment of CPLR 1101(c) to make it clear that a motion to proceed as a poor person filed simultaneously with the summons may be *ex parte*. The Committee believes that such a change will reflect the legislative intent of Chapter 216 to streamline and expedite poor person relief, especially to allow a poor person to commence an action without delay so as not to incur the bar of the statute of limitations.

It should be pointed out that under CPLR 1101(d) and (e) the court is not precluded from requiring a motion at the post-trial stage where a litigant who secured initial poor person relief seeks leave to file a notice of appeal and obtain a free transcript of the proceedings as a poor person, and such motion, made subsequent to commencement of the action, would continue to be on notice.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to motion to proceed as poor person.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (c) of section 1101 of the civil practice law and rules, as amended by chapter 478 of the laws of 1981, is amended to read as follows:

(c) Notice. [If] *Except as provided in subdivisions (d) and (e) of this section, if* an action has already been commenced, notice of the motion shall be served on all parties, and notice shall also be given to the county attorney in the county in which the action is triable or the corporation counsel if the action is triable in the city of New York.

§2. This act shall take effect immediately.

5. Statement of Damages in Complaint and Summation (CPLR 3017(c)) [modified]

The Committee recommends that the prohibition contained in CPLR 3017(c) against stating the amount of damages demanded in actions for medical or dental malpractice or in an action against a municipal corporation be extended to all tort actions.

The Committee further recommends an amendment to CPLR 3017(c) to clarify that a party may suggest an amount of monetary damages in summation, so long as such sum does not exceed the sum set forth in the supplemental demand, if any. In addition, the Committee recommends several stylistic changes of a non-substantive nature in the language of the subdivision.

The Committee believes that the rationale for not stating the amount demanded in the pleadings in medical malpractice and municipality actions applies equally to all torts. The change will serve a number of beneficial purposes. Inflated claims for general damages sometimes are misused in litigation as a publicity weapon or for an *in terrorem* effect upon defendants. More usually, the difficulty in amending the demand clause in pleadings under current law impels many attorneys to overstate the damages sought rather than take a chance of understating the damages. The statement of damages sought in the demand serves no necessary purpose, as experience with medical malpractice actions shows, and impedes settlements by unreasonably raising the expectations of plaintiffs, making them understandably intransigent in negotiating reasonable settlement offers.

Since the *ad damnum* clause often bears no relationship to the actual value of the claim, there is no doubt that such overinflated demands in simple actions bring the law unnecessarily into disrepute in the public mind.

The Committee, of course, would retain the provision in CPLR 3017(c) that a defendant who wants to know the extent of the damages demanded can obtain this information from the plaintiff by way of supplemental demand.

The proposal also would resolve conflicting case law by making it clear that the plaintiff may suggest a damage award to the jury. The basic purpose of the current 3017(c) is to prevent harm to a physician's reputation occasioned by the publicity given to demands for extensive and perhaps inflated damages. Yet, in *Bechard* v. *Eisinger*, 105 A.D.2d 939 (2d Dept., 1984), the court held that the prohibition on naming a specific amount also extended to the summation at trial. In *Braun* v. *Ahmed*, 127 A.D.2d 418 (2d Dept., 1987), the court, citing legislative intent, held, in a 3-2 decision, that such a summation is proper but should be limited to a reasonable sum, with the dissent stating that such limitation is unjustified.

More recently, the Court of Appeals, in deciding *McDougald* v. *Garber*, 73 N.Y.2d 246 (1989), and *Nussbaum* v. *Gibstein*, 73 N.Y.2d 912 (1989), included this significant footnote to its opinions:

> We note especially the argument raised by several defendants that plaintiffs' attorney was precluded by CPLR 3017(c) from mentioning, in his summation, specific dollar amounts that could be awarded for nonpecuniary damages. We do not resolve this issue, which has divided the lower courts (compare, *Bagailuk* v. *Weiss*, 110 A.D.2d 284, and *Bechard* v. *Eisinger*, 105 A.D.2d 939, with *Braun* v. *Ahmed*, 127 A.D.2d 418), inasmuch as the matter was neither presented to nor addressed by the Appellate Division. [*See McDougald* v. *Garber*, *supra*, at p.258].

The Committee reads this footnote as an invitation by the Court for either the presentation of this issue in a case or perhaps legislative clarification.

This proposal would settle the law. The Committee notes that nothing in this measure precludes the court, in its discretion, from permitting the amendment of the supplemental demand. The Committee believes that its recommendation is consistent with the original legislative intent to avoid harmful pretrial publicity and that it is necessary to ensure that, upon extending the prohibition against stating the amount of damages sought in the pleadings to all tort actions, it be made crystal clear that arguing the amount of damages in summation remains permissible.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to statement of damages in pleadings and summation in tort actions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (c) of section 3017 of the civil practice law and rules, as amended by chapter 442 of the laws of 1989, is amended to read as follows:

(c) [Medical or dental malpractice action or action against a municipal corporation] *Tort actions.* In [an] *any tort* action [for medical or dental malpractice or in an action against a municipal corporation, as defined in section two of the general municipal law], the complaint, counterclaim, cross-claim, interpleader complaint, and third-party complaint shall contain a prayer for general relief but shall not state the amount of damages [to which the pleader deems himself entitled] *sought*. If the action is brought in the supreme court, the pleading shall also state whether or not the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction[. Provided]*; provided*, however, that a party against whom [an] *a tort* action [for medical or dental malpractice] is brought [or the municipal corporation,] may at any time request[,] a supplemental demand setting forth the total damages [to which the pleader deems himself entitled] *sought*. A supplemental demand shall be provided by the party bringing the action within fifteen days of the request. In the event the supplemental demand is not served within fifteen days, the court, on motion, may order that it be served. A supplemental demand served pursuant to this subdivision shall be treated in all respects as a demand made pursuant to subdivision (a) of this section. *Nothing set forth in this subdivision shall prohibit a party from referring in the course of summation to the amount of damages the party contends should be awarded so long as such amount does not exceed the amount set forth in the response to the supplemental demand, if any.*

§2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

6. Jurisdiction over Small Claims (Uniform Justice Court Act §1801) [new]

The Committee recommends that section 1801 of the Uniform Justice Court Act be amended to permit the transfer of a small claim from one town or village court to another within the same county by order of the county court, where the justices of the town or village court having initial jurisdiction over the claim are disqualified or otherwise unavailable. Currently, the county court, pursuant to CPLR 325(g), has such power with respect to regular actions and proceedings in a town or village court, but because of a peculiar lacuna in the law, it has no express power to transfer a small claim.

CPLR 325(g) enables a county court, upon motion of a party, to transfer an action from one local court to another within the county or an adjoining county, "provided that such other court has jurisdiction over the subject matter of the action or proceeding and jurisdiction over the classes of persons named as parties". Since §1801 of the Uniform Justice Court Act defines "a small claim" over which a town or village court has jurisdiction as one where "the defendant either resides, or has an office for the transaction of business or a regular employment within the municipality [town or village] where the court is located," and since this requirement generally is construed as jurisdictional, often no other town or village court in the county has jurisdiction, and no transfer is possible, creating a jurisdictional dilemma.

This measure simply confers jurisdiction on a town or village court to which an action or proceeding is transferred from another town or village court within the same county pursuant to CPLR 325(g).

Proposal

AN ACT

to amend the uniform justice court act, in relation to jurisdiction over small claims

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 1801 of the uniform justice court act, as amended by chapter 254 of the laws of 1987, is amended to read as follows:

§1801. Small claims defined. The term "small claim" or "small claims" as used in this act shall mean and include any cause of action for money only not in excess of two thousand dollars exclusive of interest and costs, provided that the defendant either resides, or has an office for the transaction of business or a regular employment, within the municipality where the court is located. *However, where a judge of the county court, pursuant to CPLR 325(g), transfers a small claim from the town or village court having jurisdiction over the matter to another town or village court within the same county, the court to which it is transferred shall have jurisdiction to determine the claim.*

§2. This act shall take effect immediately.

IV. Pending and Future Matters

Several interrelated matters now are under consideration by the Advisory Committee on Civil Practice, working largely through one or more subcommittees, with a view toward recommending legislation and rule changes.

1. The Subcommittee on Appellate Jurisdiction is considering a variety of suggestions that might be recommended to expedite and streamline the appellate process.

2. The Subcommittee on Alternative Dispute Resolution is considering making recommendations to the Chief Administrator of the Courts of New York regarding more extensive incorporation of ADR procedures into the existing court system. As the Review Committee on the Individual Assignment System noted in its Report, "...alternative dispute resolution programs can and do perform a real and significant service as an adjunct to and in support of a court system facing large caseloads with insufficient resources and personnel." (Committee Report, p. 98)

The proliferation of private for-profit vendors in the ADR arena may pose significant problems for litigants and courts. The blooming of a private system of justice, in competition with the public system, can undermine the competency of the bench by luring away the best and brightest, and depriving the bench and bar of significant commonlaw precedents which are essential for the development of the law and for advising clients and litigating cases. The ADR subcommittee would like to study ways of including ADR procedures into the present case management systems, ensuring that we will have one comprehensive publicly administered system of justice.

3. The Committee is studying a proposal that CPLR 3404, governing the abandonment of cases and marking abandoned cases off the calendar, be repealed.

4. The Committee, through its Subcommittee on Evidence, has undertaken a detailed study of the latest version of the Code of Evidence proposed by the Law Revision Commission, with whom the Committee and Subcommittee are cooperating. The Committee has supported enactment of a codification of the New York evidentiary rules which today are scattered among various statutes and court decisions. In the Committee's view, codification of the Rules of Evidence would benefit the efficient administration of justice by making them more accessible and promoting clarification and uniformity.

5. The Committee is monitoring the new CPLR provisions enacted by Chapter 216 of the Laws of 1992, which provides for the commencement of civil actions and proceedings in the Supreme and County Courts by filing the summons or petition with the clerk prior to service. In the light of experience, the Committee likely will recommend some clarifications, and will give serious attention to the desirability of extending the new filing procedures to the

courts of limited jurisdiction. The Committee is consulting with several committees of the New York State Bar Association and the New York State Trial Lawyers Association and others on these matters.

6. The Committee is considering an amendment to CPLR 2307 to (1) delete the requirement that a motion on one day's notice be made to obtain a judicial subpoena duces tecum to be served on a library, department or bureau of a municipal corporation for the production of books and papers, and to (2) give the library, department or bureau greater time to comply with the subpoena after it has been served.

The following 24 subcommittees of the Advisory Committee on Civil Practice now are operational:

Subcommittee on Alternative Dispute Resolution
Chair, Marjorie E. Karowe, Esq.

Subcommittee on Matrimonial Procedures
Chair, Myrna Felder, Esq.

Subcommittee on the Enforcement of Judgments and Orders
Chair, Mark C. Zauderer, Esq.

Subcommittee on Statutes of Limitations
Chair, James J. Harrington, Esq.

Subcommittee on Contribution and Apportionment of Damages
Chair, John T. Frizzell, Esq.

Subcommittee on Costs and Disbursements
Chair, Michael E. Catalinotto, Esq.

Subcommittee on Service of Process
Chair, Leon Brickman, Esq.

Subcommittee on Courts of Limited Jurisdiction
Chair, Leon Brickman, Esq.

Subcommittee on Motion Practice
Chair, Richard Rifkin, Esq.

Subcommittee on the Uniform Rules
Chair, Harold A. Kurland, Esq.

Subcommittee on Legislation
Chair, Professor George F. Carpinello

Subcommittee on Appellate Jurisdiction
Chair, James J. Harrington, Esq.

Subcommittee on the Individual Assignment System
Chair, Robert M. Blum, Esq.

Subcommittee on Medical Malpractice
Chair, Richard Rifkin, Esq.

Subcommittee on Evidence
Chair, James J. Harrington, Esq.

Subcommittee on Liability Insurance and Tort Law
Chair, Professor George F. Carpinello

Subcommittee on Sanctions
Chair, Thomas F. Gleason, Esq.

Subcommittee on Procedures for Specialized Types of Proceedings
Chair, Leon Brickman, Esq.

Subcommittee on Service of Interlocutory Papers
Chair, Thomas F. Gleason, Esq.

Subcommittee on Periodic Payment of Judgments and Itemized Verdicts
Chair, Frank L. Amoroso, Esq.

Subcommittee on "Second Chance" Provisions
Chair, Jeffrey E. Glen, Esq.

Subcommittee on Court Operational Services Manuals
Chair, John F. Werner, Esq.

Subcommittee on the Implementation of Chapter 216, Laws of 1992
Chair, Jeffrey E. Glen, Esq.

Subcommittee on Service of Process by Mail
Chair, Bert Bauman

Respectfully submitted,

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Richard B. Long, Esq.
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Thomas R. Newman, Esq.
Nancy L. Pontius, Esq.
Richard Rifkin, Esq.
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John F. Werner, Esq.,
Mark C. Zauderer, Esq

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Counsel

December, 1992

1993 Report
of the
Advisory Committee on Criminal Law and Procedure
to the
Chief Administrator of the Courts
of the
State of New York

December 1992

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I. Introduction

The Advisory Committee on Criminal Law and Procedure, one of the standing advisory committees established by the Chief Administrator of the Courts pursuant to section 212(1)(g) of the Judiciary Law, annually recommends to the Chief Administrator legislative proposals in the area of criminal law and procedure that may be incorporated in the Chief Administrator's legislative program. The Committee makes its recommendations on the basis of its own studies, examination of decisional law, and proposals received from bench and bar. The Committee maintains a liaison with the New York State Judicial Conference, bar association and legislative committees, and other state agencies. In addition to recommending its own annual legislative program, the Committee reviews and comments on other pending legislative measures concerning criminal law and procedure.

In this 1993 Report, the Committee recommends a total of 26 bills for enactment by the 1993 Legislature. Of these, 22 bills have previously been proposed and four are new measures. The four new bills are proposals to: 1) permit a superior court, upon application of the defendant and consent of the prosecutor, to order that the prosecution of certain felony cases be deferred; 2) permit a limited continued detention, beyond the current statutory period, of a defendant in custody who has served notice of intent to testify before the grand jury but has not testified due to circumstances beyond the prosecution's control; 3) allow a terminally ill defendant, upon consent of the prosecutor and agreement of the court, to plead guilty to one or more lesser included offenses of the offense or offenses charged; and 4) broaden the list of offenses for which a person may be prosecuted as a juvenile offender to include certain weapon offenses.

Part II of this Report summarizes each of the measures previously submitted and explains its purpose. Part III summarizes the new measures. In both Parts II and III, individual summaries are followed by drafts of appropriate legislation. Part IV briefly discusses pending and future projects under Committee consideration.

II. Previously Endorsed Measures

1. Discovery
(CPL Article 240)

The Committee recommends that Article 240 and sections 255.20 and 710.30 of the Criminal Procedure Law be amended to effect broad reform of discovery in criminal proceedings. The major features of this measure are (1) elimination of the need for a formal discovery demand; (2) expansion of information required to be disclosed in advance of trial and reduction of the time within which discovery must be made; (3) modification of defendant's obligations with respect to notice of a psychiatric defense and (4) legislative superseder of the Court of Appeals' rulings in *People* v. *Ranghelle*, 69 N.Y.2d 56 (1986) and *People* v. *O'Doherty*, 70 N.Y.2d 479 (1987).

I. Elimination of demand discovery

Under current law, the prosecutor's duty to make disclosure is triggered by defendant's service of a demand to produce (CPL §§240.20(1), 240.80(1)). This measure amends section 240.20 of the Criminal Procedure Law to eliminate the need to make such a demand and to provide instead for automatic discovery of the property and information included in section 240.20(1). Conforming amendments are made to sections 30.30(4)(a), 240.10, 240.30, 240.35, 240.40, 240.44, 240.45, 240.60 and 240.80 of the Criminal Procedure Law.

Eliminating the requirement of a written demand would simplify and expedite discovery practice. In an "open file" discovery system, a demand serves the useful purpose of identifying those matters defendant truly is interested in discovering and thus saves both parties time and effort. New York, however, does not have such an open file system. Because discoverable material is limited under New York law and routinely is requested and received, a demand is not needed to identify the subject of discovery. The demand requirement rather is an unnecessary step that results in delay during the time that demand papers generated from programs on office work processors are exchanged by the defense and the prosecution. Recognizing the futility of exchanging such boilerplate papers, many prosecutors already provide the automatic discovery mandated by this measure.

II. Expedition and liberalization of discovery

Various committees of experts commissioned to study criminal discovery have concluded that expedited and liberalized discovery is an essential ingredient to improving criminal procedure. Expedited and liberalized discovery promotes fairness and efficiency by: providing a speedy and fair disposition of the charges, whether by diversion, plea, or trial; providing the accused with sufficient information to make an informed plea; permitting thorough trial preparation and minimizing surprise, interruptions and complications during trial; avoiding unnecessary and repetitious trials by identifying and resolving prior to trial any procedural, collateral, or constitutional issues; eliminating as much as possible the procedural and substantive inequities among similarly situated defendants; and saving time, money, judicial resources and professional skills by minimizing paperwork, avoiding repetitious assertions of issues and reducing the number of separate hearings. A.B.A. Standards for Criminal Justice §11.1 (1986). *See also* National Advisory Commission on Criminal Justice Standards and Goals, *Courts* §4.9; Judicial Conference Report on CPL, *Memorandum and Proposed Statute Re: Discovery*, 1974 Sess. Laws of N.Y., p. 1860.

This measure seeks to accomplish the foregoing objectives by streamlining and expanding discovery. It would expedite discovery by requiring automatic disclosure by the prosecutor within fifteen days after arraignment [proposed section 240.80(1)]. This would reduce the forty-five day delay under current law, whereby defense counsel must demand discovery within thirty days after arraignment and the prosecutor has up to fifteen days thereafter to comply (CPL §240.80). Such an approach to reducing pretrial delay has been adopted in Colorado. Colo. R. Crim., Rule 16. *See also* National Advisory Commission on Criminal Justice Standards and Goals, *Courts* §4.9.

Under current law, defendant must serve and file all pretrial motions within 45 days of arraignment (CPL §255.20(1)). This measure would amend subdivision one of section 255.20 to provide that pretrial motions with respect to material which the prosecutor has disclosed pursuant to article 240 must be served within 30 days after the prosecutor has disclosed the material that is the subject of the motion. A defendant is in a much improved position to assert effective pretrial motions after having had an opportunity to review the prosecutor's discovery materials. In certain cases, motions otherwise asserted as part of an omnibus application will not have to be made, thereby conserving judicial resources. Under this measure, defendant's duty to file pretrial motions as to discoverable material would be delayed only for as long as the prosecutor delays in providing discovery. Timely prosecutional compliance will require reciprocal timely filing of defendant's motions.

This measure provides a further means of avoiding unnecessary delay by requiring the parties to disclose witnesses' statements at least three days prior to a hearing or trial [proposed sections 240.44, 240.45]. Under present law, a witness's statements need not be disclosed until after direct examination of the witness at a pretrial hearing or after the jury has been sworn at a trial. By accelerating the time when witnesses' statements must be disclosed, such statements become part of routine pretrial discovery. This permits the parties to prepare for a pretrial hearing or a trial and avoids delays occasioned by counsel's need for time to study witnesses' statements when served with them after a hearing or trial commences. Provisions for the routine pretrial disclosure of witnesses' statements have been incorporated into the ABA standards. ABA Standards for Criminal Justice §11-2.1(a) (1986). *See also* National Advisory Commission, *Courts* §4.9(2); National District Attorneys Association National Prosecution Standards §13.2(A)(1); Judicial Conference Report on CPL, *Memorandum and Proposed Statute Re*: *Discovery*, 1974 Sess. Laws of N.Y., p. 1860.

In addition to expediting discovery, the measure liberalizes the process by expanding the scope of items disclosable to the defendant to include:

A. Police reports

Proposed section 240.20(1)(c), (d) requires the prosecutor to produce any officially required police reports relating to the criminal action or proceeding, including arrest, complaint and follow-up investigation reports, and any reports prepared by any other law enforcement agency containing material relevant to the criminal action or proceeding. The disclosure of law enforcement records puts teeth into the decision of *Brady* v. *Maryland*, 373 U.S. 83 (1963), requiring that evidence favorable to the defendant be disclosed. In many cases, the prosecutor is unaware of such evidence and would not search for it as effectively as he or she would search for evidence favorable to the prosecution. This provision allows the defense to make its own search. Police records are an extremely valuable device in putting together the circumstances of the crime. Requiring their automatic disclosure would not impose a major additional burden, since collection of police records is a routine part of the prosecutor's trial preparation and such records now regularly are produced in response to a defense subpoena.

B. Names and Addresses of Witnesses

Proposed section 240.20(1)(i) provides that the prosecutor must disclose the name, address and date of birth of any witness the prosecutor intends to call at trial. This information easily is accessible to the prosecutor and is of immense benefit to the defense. Considering the normally meager investigative resources of the defendant, a witness's birthdate often is the only means by which defendant can obtain information from public records to prepare his or her defense. Pretrial disclosure of the names, addresses and birthdates of prospective prosecution witnesses facilitates plea discussions and agreements. It also enables defense counsel adequately to prepare for cross-examination and to uncover other evidence relevant to the facts in issue.

C. Criminal records of prospective witnesses

Proposed section 240.20(1)(j) requires the prosecutor to disclose the conviction record and the existence of any pending criminal action against a witness the prosecutor intends to call at trial, if the People know or have reason to know of such records or action, but does not require the prosecutor to fingerprint a witness. The conviction records of a witness readily are available to the prosecutor within a matter of hours by teletype request to the Division of Criminal Justice Services. The district attorney also has access to information concerning whether there exists a pending criminal action against a witness. Requiring the production of this information where the prosecutor knows or has reason to know of its existence balances the discovery power otherwise weighted in the favor of the prosecution. *See People* v. *Buckley*, 131 Misc. 2d 744 (Sup. Ct., Monroe Co., 1986).

D. Names and addresses of and prior statements by witnesses the People do not intend to call at trial

Proposed section 240.20(1)(k),(l) provides that the prosecutor must disclose the name and address of and any prior statements by an eyewitness the prosecutor does not intend to call at trial. Although the prosecutor may not plan to have an eyewitness to a crime testify at trial, the witness may possess information that is helpful to the defense. Providing defendant with such witness's name and address and with his or her previous statements will enable defendant to explore possible defenses and to assess whether to call the witness on defendant's own behalf.

E. Information concerning expert witnesses

Proposed section 240.20(1)(q) is modeled after CPLR 3101(d)(1)(i). It requires the prosecutor to disclose the name, address and current employment of any expert witness the prosecutor intends to call at trial, the subject matter on which the expert is expected to testify, the expert's qualifications and a summary of the grounds for his or her opinion. Disclosure of this information will permit defendant to prepare a defense to expert testimony, thereby preventing surprise and delay at trial.

F. Disclosing victim's or witness's mental health history

Proposed section 240.42 provides that if the prosecutor has knowledge that a victim or witness was institutionalized or treated for mental illness, mental disability or drug or alcohol addiction within the ten years preceding the commencement of a criminal action or proceeding, the prosecutor must disclose this information to the court for a determination whether its probative value outweighs the victim's or witness's right to privacy. The court may condition disclosure of a victim's or witness's mental health history upon an agreement to treat such history as confidential except as may be required to prepare or present the defense. This procedure will allow defendant to prepare for cross-examination of the People's witnesses, while safeguarding the privacy rights of victims and witnesses.

* * *

> Although this measure liberalizes the scope of discovery, it also recognizes that in certain instances disclosure of information in the prosecutor's possession may endanger the security of witnesses or compromise an investigation. Proposed section 240.20(1)(c), (d), (i), (k), (l) (requiring disclosure of police and other law enforcement agency reports; name, address and date of birth of witness the prosecutor intends to call at trial; and name, address and statement of eyewitness the prosecutor does not intend to call at trial) therefore permits the prosecutor to withhold material, the disclosure of which would imperil the safety of a victim or witness or jeopardize an on-going criminal investigation. If the prosecutor elects to exercise this option, he or she must serve a written notice upon defendant, advising that material has been withheld and specifying the grounds therefor [proposed section 240.35]. Defendant then is free to move to compel disclosure of the withheld material, pursuant to proposed section 240.40(1)(a).

III. Modifying defendant's discovery obligations with respect to notice of psychiatric defense

Although section 250.10(2) of the Criminal Procedure Law provides that defendant must serve notice of his or her intent to present psychiatric evidence, it does not require defendant to specify the type of insanity defense upon which he or she intends to rely (e.g., extreme emotional disturbance). By contrast, sections 250.20(1) (notice of alibi) and 250.20(2) (notice of defenses in offenses involving computers) demand considerable specificity. Section 250.10 also does not require that a psychologist or psychiatrist who has examined a defendant generate a written report of his or her findings, whereas the People's psychiatric examiners must prepare written reports, copies of which must be made available to defendant (CPL §250.10(4)).

In *People* v. *Davis*, 136 Misc. 2d 1076 (Sup. Ct., N.Y. Co., 1987), the Court observed that the failure to require defendant to specify the type of psychiatric defense on which he or she intends to rely or to supply the prosecutor with copies of reports produced by defense psychiatric examiners "undermines the legislative intent [of section 250.10] to prevent surprise of the prosecutor and unfair disadvantage to the People." 136 Misc. 2d at 1079. This measure would remedy the gaps in the law identified in *People* v. *Davis* by amending section 250.10(2) to require a notice of intention to present psychiatric evidence to state the nature of the psychiatric defense relied upon and the subject matter on which the expert is expected to testify. The measure also requires any expert witness retained by defendant for the purpose of advancing a psychiatric defense to prepare a written report of his or her findings [proposed section 250.10(4)]. Reports by psychiatric examiners for the People and for the defense are to be exchanged 15 days prior to the commencement of trial [proposed section 250.10(5)]. Defendant's failure to provide the district attorney with copies of the written report of a psychiatrist or psychologist whom defendant intends to call at trial may result in the preclusion of testimony by such psychiatrist or psychologist [proposed section 250.10(7)].

IV. Legislative superseder of ruling in *People* v. *Ranghelle*

This measure would amend section 240.20 of the Criminal Procedure Law to supersede the Court of Appeals' ruling in *People* v. *Ranghelle*, 69 N.Y.2d 56 (1986). In *Ranghelle*, the Court held that the People's failure to produce *Rosario* material constitutes *per se* error requiring reversal and a new trial, without regard to whether defendant suffered any prejudice. 69 N.Y.2d at 63. This *per se* error rule was reaffirmed by the Court in *People* v. *Jones*, 70 N.Y.2d 547 (1987). The result of this ruling has been to create a windfall for defendant. Requiring reversal where the People have not acted in bad faith and where no prejudice has resulted from the People's failure to produce *Rosario* material gives defendant an unfair advantage. As Judge Bellacosa observed in his concurrence in *People* v. *Jones*:

> The new per se error rule has elevated the consequences of ... nonconstitutional *Rosario* violations to a level higher than a host of nonconstitutional errors to which harmless error analysis applies ... The new per se error rule unavoidably plants an uncertainty into every tried criminal case. It is a law enforcer's nightmare and a

> perpetrator's delight. Insofar as the rule is not constitutionally rooted, I believe it would be useful for the legislature to consider [adopting legislation] overcoming the per se-ness of this exalted court-made rule.

70 N.Y.2d at 555, 557.

In accordance with Judge Bellacosa's suggestion, this measure would add a new subdivision three to section 240.20 of the Criminal Procedure Law, providing that nonwillful failure of the prosecutor to provide the discovery required under subdivision one of section 240.20 shall not constitute grounds for (1) setting aside a verdict pursuant to section 330.30, (2) vacating a judgment pursuant to section 440.10, or (3) reversing or modifying a judgment on appeal pursuant to Article 470, unless there is a reasonable possibility that such failure might have contributed to defendant's conviction. This amendment would substitute the constitutional harmless error standard for the *per se* error rule adopted in *Ranghelle*, thus rectifying the inequities resulting from that decision.

V. Legislative superseder of ruling in *People* v. *O'Doherty*

This measure would amend section 710.30 of the Criminal Procedure Law to supersede the Court of Appeals' ruling in *People* v. *O'Doherty*, 70 N.Y.2d 479 (1987). In *O'Doherty*, the Court of Appeals was called upon to construe section 710.30, which provides that identification testimony and defendant's statements must be suppressed if notice of the People's intention to offer such evidence is not served upon defendant within fifteen days of arraignment, unless the People show good cause for serving late notice. Although several lower courts had permitted the use of belatedly noticed statements and identification statements where defendant was not harmed by the failure to give timely notice, the Court of Appeals held that these decisions conflicted with the plain language of the statute. The Court concluded that lack of prejudice to defendant is not a substitute for a demonstration of good cause and that the court may not consider prejudice to defendant unless and until the People have made a threshold showing that unusual circumstances precluded their giving timely notice. 70 N.Y.2d at 487.

As in the case of *People* v. *Ranghelle*, the court's holding in *O'Doherty* has resulted in a windfall to defendants. The overly rigorous application of the notice requirement in section 710.30 detracts from the integrity of the truth-finding process by precluding reliable evidence of guilt where the prosecutor fails through inadvertence or lack of knowledge of the existence of evidence to give notice within fifteen days of arraignment. This measure would correct the unfairness of penalizing the People by suppressing evidence where no harm to defendant has resulted from giving late notice. It would amend section 710.30(2) to provide that the court may permit late notice upon a showing that failure to serve defendant with notice in timely fashion was not intended to impair and has not substantially prejudiced defendant's ability to move to suppress. Such an amendment would advance the objectives of the statute — to provide defendant with an opportunity to obtain a pretrial ruling on the admissibility of statements and identification testimony — while preserving the public interest in permitting the introduction of reliably obtained evidence.

Proposal

AN ACT

to amend the criminal procedure law, in relation to discovery

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (a) of subdivision 4 of section 30.30 of the criminal procedure law, as amended by chapter 558 of the laws of 1982, is amended to read as follows:

(a) a reasonable period of delay resulting from other proceedings concerning the defendant, including but not limited to: proceedings for the determination of competency and the period during which defendant is incompetent to stand trial; [demand to produce] *proceedings relating to discovery*; request for a bill of particulars; pre-trial motions; appeals; trial of other charges; and the period during which such matters are under consideration by the court; or

§2. Section 240.10 of the criminal procedure law, as added by chapter 412 of the laws of 1979, is amended to read as follows:

§240.10. Discovery; definition of terms. The following definitions are applicable to this article:

1. ["Demand to produce" means a written notice served by and on a party to a criminal action, without leave of the court, demanding to inspect property pursuant to this article and giving reasonable notice of the time at which the demanding party wishes to inspect the property designated.

2.] "Attorneys' work product" means [property] *material* to the extent that it contains the opinions, theories or conclusions of the prosecutor, defense counsel or members of their legal staffs.

[3. "Property" means any existing tangible personal or real property, including but not limited to, books, records, reports, memoranda, papers, photographs, tapes or other electronic recordings, articles of clothing, fingerprints, blood samples, fingernail scrapings or handwriting specimens, but excluding attorneys' work product.

4.]*2*. "At the trial" means a part of the [people's] *prosecutor's* or the defendant's direct case.

§3. The criminal procedure law is amended by adding a new section 240.15 to read as follows:

§240.15. Discovery; attorneys' work product exempted. Notwithstanding any other provision of this article, the prosecutor or the defendant shall not be required to disclose attorneys' work product as defined in subdivision one of section 240.10.

§4. Section 240.20 of the criminal procedure law, as added by chapter 412 of the laws of 1979, the opening paragraph of subdivision 1 as amended by chapter 317 of the laws of 1983, paragraphs (c) and (d) of subdivision 1 as amended by chapter 558 of the laws of 1982, paragraph (e) as added and paragraphs (f), (g), (h) and (i) of subdivision 1 as relettered by chapter 795 of the laws of 1984 and paragraph (j) of subdivision 1 as added by chapter 514 of the laws of 1986, is amended to read as follows:

§240.20. Discovery; [upon demand of defendant] *prosecutor's obligation to disclose.* 1. Except to the extent protected by court order, [upon a demand to produce by] *the prosecutor shall disclose to* a defendant against whom an indictment, superior court information, prosecutor's information, information or simplified information charging a misdemeanor is pending [, the prosecutor shall disclose to the defendant] and make available *to such defendant* for inspection, photographing, copying or testing [, the following property]:

(a) Any written, recorded or oral statement of the defendant, and of a co-defendant to be tried jointly, made, other than in the course of the criminal transaction, to a public servant engaged in law enforcement activity or to a person then acting under [his] *the* direction *of such public servant* or in cooperation with him *or her*;

(b) Any transcript of testimony relating to the criminal action or proceeding pending against the defendant, given by the defendant, or by a co-defendant to be tried jointly, before any grand jury;

(c) *Any officially required police reports relating to the criminal action or proceeding, including, but not limited to, arrest, complaint and follow-up investigation reports, provided, however, that the prosecutor may withhold from such reports any material the disclosure of which would imperil the safety of a victim or witness or jeopardize an on-going investigation;*

(d) Any reports prepared by any other law enforcement agency containing material relevant to the criminal action or proceedings, provided, however, that the prosecutor may withhold from such reports any material the disclosure of which would imperil the safety of a victim or witness or jeopardize an on-going criminal investigation;

(e) Any written report or document, or portion thereof, concerning a physical or mental examination, or scientific test or experiment, relating to the criminal action or proceeding which was made by, or at the request or direction of a public servant engaged in law enforcement activity, or which was made by a person whom the prosecutor intends to call as a witness at trial, or which the people intend to introduce at trial;

[(d)] *(f)* Any photograph or drawing relating to the criminal action or proceeding which was made or completed by a public servant engaged in law enforcement activity, or which was made by a person whom the prosecutor intends to call as a witness at trial, or which the people intend to introduce at trial;

[(e)] *(g)* Any photograph, photocopy or other reproduction made by or at the direction of a police officer, peace officer or prosecutor of any property prior to its release pursuant to the provisions of section 450.10 of the penal law, irrespective of whether the people intend to introduce at trial the property or the photograph, photocopy or other reproduction[.]*;*

[(f)] *(h)* Any other property obtained from the defendant, or a co-defendant to be tried jointly;

[g]*(i) The name, address and date of birth of any witness the prosecutor intends to call at trial, provided, however, that the prosecutor may withhold the name and address of a witness the disclosure of which would imperil the safety of the witness;*

(j) A record of judgment of conviction and the existence of any pending criminal action against a witness the prosecutor intends to call at trial, if the prosecutor knows or has reason to know of the existence of such record or of such pending criminal action, provided, however, that the provisions of this paragraph shall not be construed to require the prosecutor to fingerprint a witness;

(k) The name and address of any witness who observed defendant either at the time or place of the commission of the offense or upon some other occasion relevant to the case, whom the prosecutor does not intend to call at trial, provided, however, that the prosecutor may withhold the name and address of a witness the disclosure of which would imperil the safety of the witness;

(l) Any written, recorded or oral statement by a witness the prosecutor does not intend to call at trial, made to a public servant engaged in law enforcement activity or to a person then acting under the direction of such public servant or in cooperation with him or her, provided, however, that the prosecutor may withhold from such statement any material the disclosure of which would imperil the safety of a victim or witness;

(m) Any tapes or other electronic recordings which the prosecutor intends to introduce at trial, irrespective of whether such recording was made during the course of the criminal transaction;

[(h)] *(n)* Anything required to be disclosed, prior to trial, to the defendant by the prosecutor, pursuant to the constitution of this state or of the United States[.]*;*

[(i)] *(o)* The approximate date, time and place of the offense charged and of defendant's arrest[.]*;*

[(j)] *(p)* In any prosecution under penal law section 156.05 or 156.10, the time, place and manner of notice given pursuant to subdivision six of section 156.00 of such law[.]*;*

[(k)] *(q) The name, address and current employment of any expert witness the prosecutor intends to call at trial and, in reasonable detail, the subject matter and the substance of the facts and opinions on which the expert is expected to testify, the qualifications of the expert witness and a summary of the grounds for his or her opinion;*

(r) In any prosecution commenced in a manner set forth in this subdivision alleging a violation of the vehicle and traffic law, in addition to any material required to be disclosed pursuant to this article, any other provision of law, or the constitution of this state or of the United States, any written report or document, or portion thereof, concerning a physical examination, a scientific test or experiment, including the most recent record of inspection, or calibration or repair of machines or instruments utilized to perform such scientific tests or experiments and the certification certificate, if any, held by the operator of the machine or instrument, which tests or examinations were made by or at the request or direction of a public servant engaged in law enforcement activity or which was made by a person whom the prosecution intends to call as a witness at trial, or which the people intend to introduce at trial.

2. The prosecutor shall make a diligent, good faith effort to ascertain the existence of [demanded property] *material required to be disclosed pursuant to subdivision one* and to cause such [property] *material* to be made available for discovery where it exists but is not within the prosecutor's possession, custody or control[; provided, that the prosecutor shall not be required to obtain by subpoena duces tecum demanded material which the defendant may thereby obtain].

3. Nonwillful failure of the prosecutor to comply with subdivision one shall not constitute grounds for (a) granting a motion to set aside a verdict pursuant to section 330.30; (b) granting a motion to vacate a judgment pursuant to section 440.10; or (c) reversing or modifying a judgment on appeal pursuant to article 470, unless there is a reasonable possibility that such failure might have contributed to defendant's conviction.

§5. Section 240.30 of the criminal procedure law, the opening unlettered paragraph of subdivision 1 as amended by chapter 317 of the laws of 1983 and subdivision 2 as added by chapter 412 of the laws of 1979, is amended to read as follows:

§240.30. Discovery; [upon demand of prosecutor] *defendant's obligation to disclose.* 1. Except to the extent protected by court order, [upon a demand to produce by the prosecutor,] a defendant against whom an indictment, superior court information, prosecutor's information, information or simplified information charging a misdemeanor is pending shall disclose and make available *to the prosecutor* for inspection, photographing, copying or testing, subject to constitutional limitations:

(a) any written report or document, or portion thereof, concerning a physical or mental examination, or scientific test, experiment, or comparisons, made by or at the request or direction of, the defendant, if the defendant intends to introduce such report or document at trial, or if the defendant has filed a notice of intent to proffer psychiatric evidence and such report or document relates thereto, or if such report or document was made by a person, other than defendant, whom defendant intends to call as a witness at trial; [and]

(b) any photograph, drawing, tape or other electronic recording which the defendant intends to introduce at trial*;*

(c) a record of judgment of conviction of a witness, other than the defendant, the defendant intends to call at trial if the record of conviction is known by the defendant to exist; and

(d) the existence of any pending criminal action against a witness, other than the defendant, the defendant intends to call at trial, if the pending criminal action is known by the defendant to exist.

2. The defense shall make a diligent good faith effort to make such [property] *material* available for discovery where it exists but the [property] *material* is not within its possession, custody or control, provided, that the defendant shall not be required to obtain by subpoena duces tecum [demanded] material that the prosecutor may thereby obtain.

§6. Section 240.35 of the criminal procedure law, as added by chapter 412 of the laws of 1979, is amended to read as follows:

§240.35. Discovery; refusal [of demand] *to disclose.* Notwithstanding the provisions of sections 240.20 and 240.30, the prosecutor or the defendant, as the case may be, may refuse to disclose any [information] *material* which he *or she* reasonably believes is not discoverable [by a demand to produce], pursuant to section 240.20 or section 240.30 as the case may be, or for which he *or she* reasonably believes a protective order would be warranted. Such refusal shall be made in a writing, which shall set forth the grounds of such belief as fully as possible, consistent with the objective of the refusal. The writing shall be served upon the [demanding] *other* party and a copy shall be filed with the court. *Where the prosecutor withholds material pursuant to paragraphs (c), (d), (i), (k) or (l) of subdivision one of section 240.20, the prosecutor shall serve a written notice upon the defendant, a copy of which shall be filed with the court, advising that material has been withheld and specifying the grounds therefor.*

§7. Subdivisions 1 and 2 of section 240.40 of the criminal procedure law, subdivision 1 as amended by chapter 317 of the laws of 1983 and subdivision 2 as added by chapter 412 of the laws of 1979, are amended to read as follows:

1. Upon motion of a defendant against whom an indictment, superior court information, prosecutor's information, information, or simplified information charging a misdemeanor is pending, the court in which such accusatory instrument is pending:

(a) must order discovery as to any material not disclosed [upon a demand] pursuant to section 240.20, if it finds that the prosecutor's refusal to disclose such material is not justified; (b) must, unless it is satisfied that the people have shown good cause why such an order should not be issued, order discovery or any other order authorized by subdivision one of section 240.70 as to any material not disclosed [upon demand] pursuant to section 240.20 where the prosecutor has failed to serve a timely written refusal pursuant to section 240.35; and (c) may order discovery with respect to any other [property] *material*, which the people intend to introduce at the trial, upon a showing by the defendant that discovery with respect to such [property] *material* is [material] *necessary* to the preparation of his *or her* defense, and that the request is reasonable. Upon granting the motion pursuant to paragraph (c) hereof, the court shall, upon motion of the people showing such to be [material] *relevant* to the preparation of their case and that the request is reasonable, condition its order of discovery by further directing discovery by the people of [property] *material*, of the same kind or character as that authorized to be inspected by the defendant, which he *or she* intends to introduce at the trial.

2. Upon motion of the prosecutor, and subject to constitutional limitation, the court in which an indictment, superior court information, prosecutor's information, information, or simplified information charging a misdemeanor is pending:

(a) must order discovery as to any [property] *material* not disclosed [upon a demand] pursuant to section 240.30, if it finds that the defendant's refusal to disclose such material is not justified; and

(b) may order the defendant to provide non-testimonial evidence. Such order may, among other things, require the defendant to:

(i) Appear in a line-up;

(ii) Speak for identification by witness or potential witness;

(iii) Be fingerprinted;

(iv) Pose for photographs not involving reenactment of an event;

(v) Permit the taking of samples of blood, hair or other materials from his *or her* body in a manner not involving an unreasonable intrusion thereof or a risk of serious physical injury thereto;

(vi) Provide specimens of his *or her* handwriting;

(vii) Submit to a reasonable physical or medical inspection of his *or her* body.

This subdivision shall not be construed to limit, expand, or otherwise affect the issuance of a similar court order, as may be authorized by law, before the filing of an accusatory instrument consistent with such rights as the defendant may derive from the constitution of this state or of the United States. This section shall not be construed to limit or otherwise affect the administration of a chemical test where otherwise authorized pursuant to section one thousand one hundred [ninety-four-a] *ninety-four* of the vehicle and traffic law.

§8. The criminal procedure law is amended by adding a new section 240.42 to read as follows:

§240.42. Discovery; disclosure of witness's mental health history. If the prosecutor has knowledge that a witness was institutionalized or treated for mental illness, mental disability or drug or alcohol addiction within the ten years preceding the commencement of a criminal action or proceeding, the prosecutor shall disclose such information to the court for a determination whether its probative value is outweighed by the witness's right to privacy. If the court directs that such information be disclosed to the defendant, the court may issue a protective order requiring that a witness's mental health history be treated as confidential except as may be necessary to prepare or present defendant's defense.

§9. Section 240.44 of the criminal procedure law, the opening paragraph as added by chapter 558 of the laws of 1982, is amended to read as follows:

§240.44. Discovery; upon pre-trial hearing. Subject to a protective order, at *least three days, excluding Saturdays, Sundays and holidays, prior to the commencement of* a pre-trial hearing held in a criminal court at which a witness is called to testify, each party[, at the conclusion of the direct examination of each of its witnesses,] shall[, upon request of the other party,] make available to [that] *the other* party to the extent not previously disclosed:

1. Any written or recorded statement, including any testimony before a grand jury, made by such witness other than the defendant which relates to the subject matter of the witness's testimony.

2. A record of a judgment of conviction of such witness other than the defendant if the record of conviction is known by the prosecutor or defendant, as the case may be, to exist.

3. The existence of any pending criminal action against such witness other than the defendant if the pending criminal action is known by the prosecutor or defendant, as the case may be, to exist.

Nonwillful failure of the prosecutor to comply with this section shall not constitute grounds for (a) granting a motion to set aside a verdict pursuant to section 330.30; (b) granting *a motion to vacate a judgment pursuant to section 440.10; or (c) reversing or modifying a judgment on appeal pursuant to article 470, unless there is a reasonable possibility that such failure might have contributed to defendant's conviction.*

§10.Section 240.45 of the criminal procedure law, as amended by chapter 558 of the laws of 1982, paragraph (a) of subdivision 1 as amended by chapter 804 of the laws of 1984, is amended to read as follows:

§240.45. Discovery; upon trial, of prior statements [and criminal history] of witnesses.

1. [After the jury has been sworn and before the prosecutor's opening address, or in the case of a single judge trial after commencement and before submission of evidence] *At least three days, excluding Saturdays, Sundays and holidays, prior to the commencement of trial,* the prosecutor shall, subject to a protective order, make available to the defendant[:

(a) Any] *to the extent not previously disclosed any* written or recorded statement, including any testimony before a grand jury and an examination videotaped pursuant to section 190.32 of this chapter, made by a person whom the prosecutor intends to call as a witness at trial, and which relates to the subject matter of the witness's testimony[;

(b) A record of judgment of conviction of a witness the people intend to call at trial if the record of conviction is known by the prosecutor to exist;

(c) The existence of any pending criminal action against a witness the people intend to call at trial, if the pending criminal action is known by the prosecutor to exist.

The provisions of paragraphs (b) and (c) of this subdivision shall not be construed to require the prosecutor to fingerprint a witness or otherwise cause the division of criminal justice services or other law enforcement agency or court to issue a report concerning a witness].

Nonwillful failure of the prosecutor to comply with this section shall not constitute grounds for (a) granting a motion to set aside a verdict pursuant to section 330.30; (b) granting a motion to vacate a judgment pursuant to section 440.10; or (c) reversing or modifying a judgment on appeal pursuant to article 470, unless there is a reasonable possibility that such failure might have contributed to defendant's conviction.

2. After presentation of the people's direct case and before the presentation of the defendant's direct case, the defendant shall, subject to a protective order, make available to the prosecutor[:

(a)] *to the extent not previously disclosed* any written or recorded statement made by a person other than the defendant whom the defendant intends to call as a witness at the trial, and which relates to the subject matter of the witness's testimony[;

(b) a record of judgment of conviction of a witness, other than the defendant, the defendant intends to call at trial if the record of conviction is known by the defendant to exist;

(c) the existence of any pending criminal action against a witness, other than the defendant, the defendant intends to call at trial, of the pending criminal action if known by the defendant to exist].

§11. Section 240.60 of the criminal procedure law, as added by chapter 412 of the laws of 1979, is amended to read as follows:

§240.60. Discovery; continuing duty to disclose. If, after complying with the provisions of this article or an order pursuant thereto, a party finds, either before or during trial, additional material subject to discovery or covered by such order, he *or she* shall promptly *make disclosure of such material or* comply with the [demand or] order, refuse to [comply with the demand] *disclose* where refusal is authorized, or apply for a protective order.

§12. Subdivision 1 of section 240.70 of the criminal procedure law, as added by chapter 412 of the laws of 1979, is amended to read as follows:

1. If, during the course of discovery proceedings, the court finds that a party has failed to comply with any of the provisions of this article, the court may order such party to permit discovery of the [property] *material* not previously disclosed, grant a continuance, issue a protective order, prohibit the introduction of certain evidence or the calling of certain witnesses or take any other appropriate action.

§13. Section 240.80 of the criminal procedure law, subdivision 1 as added by chapter 412 of the laws of 1979 and subdivisions 2 and 3 as amended by chapter 558 of the laws of 1982, is amended to read as follows:

§240.80. Discovery; when [demand,] *compliance and* refusal [and compliance] made. 1. [A demand to produce shall be made] *The prosecutor shall comply with subdivision one of section 240.20 or serve a written notice of refusal to disclose pursuant to section 240.35* within [thirty] *fifteen* days after arraignment and before the commencement of trial. If the defendant is not represented by counsel, and has requested an adjournment to obtain counsel or to have counsel assigned, the [thirty-day] *fifteen-day* period shall commence[, for purposes of a demand by the defendant,] on the date counsel initially appears on his *or her* behalf. [However, the court may direct compliance with a demand to produce that, for good cause shown, could not have been made within the time specified] *If the prosecutor is unable to comply with subdivision one of section 240.20 within such fifteen-day period, the court may extend such period where the prosecutor offers a reasonable explanation for the delay and shows that reasonable efforts have been undertaken to obtain discoverable material.*

2. [A refusal to comply with a demand to produce shall

be made within fifteen days of the service of the demand to produce, but for good cause may be made thereafter.

3. Absent a refusal to comply with a demand to produce, compliance with such demand shall be made within fifteen days of the service of the demand or as soon thereafter as practicable] *The defendant shall comply with subdivision one of section 240.30 or serve a written notice of refusal to disclose pursuant to section 240.35 within ninety days after arraignment or at least twenty days prior to the commencement of trial, whichever occurs sooner. If the defendant is unable to comply with subdivision one of section 240.30 within such ninety-day period, the court may extend such period where the defendant offers a reasonable explanation for the delay and shows that reasonable efforts have been undertaken to obtain discoverable material.*

§14. Section 250.10 of the criminal procedure law, as amended by chapter 548 of the laws of 1980, subdivision 1 as amended by chapter 558 of the laws of 1982 and paragraph (a) of subdivision 1 and subdivision 5 as amended by chapter 668 of the laws of 1984, is amended to read as follows:

§250.10. Notice of intent to proffer psychiatric evidence; examination of defendant upon application of prosecutor. 1. As used in this section, the term "psychiatric evidence" means:

(a) Evidence of mental disease or defect to be offered by the defendant in connection with the affirmative defense of lack of criminal responsibility by reason of mental disease or defect.

(b) Evidence of mental disease or defect to be offered by the defendant in connection with the affirmative defense of extreme emotional disturbance as defined in paragraph (a) of subdivision one of section 125.25 of the penal law and paragraph (a) of subdivision two of section 125.27 of the penal law.

(c) Evidence of mental disease or defect to be offered by the defendant in connection with any other defense not specified in the preceding paragraphs.

2. As used in this section, the term "psychiatric defense" means:

(a) The affirmative defense of lack of criminal responsibility by reason of mental disease or defect.

(b) The affirmative defense of extreme emotional disturbance as defined in paragraph (a) of subdivision one of section 125.25 of the penal law and paragraph (a) of subdivision two of section 125.27 of the penal law.

(c) Any other defense supported by evidence of mental disease or defect.

3. Psychiatric evidence is not admissible upon a trial unless the defendant serves upon the [people] *prosecutor* and files with the court a written notice of his *or her* intention to present psychiatric evidence. *The notice must state the nature of the psychiatric defense or defenses relied upon and, in reasonable detail, the subject matter on which the expert is expected to testify.* Such notice must be served and filed before trial and not more than thirty days after entry of the plea of not guilty to the indictment. In the interest of justice and for good cause shown, however, the court may permit such service and filing to be made at any later time prior to the close of the evidence.

[3.] *4.* When a defendant, pursuant to subdivision [two] *three* of this section, serves notice of intent to present psychiatric evidence, the [district attorney] *prosecutor* may apply to the court, upon notice to the defendant, for an order directing that the defendant submit to an examination by a psychiatrist or licensed psychologist as defined in article one hundred fifty-three of the education law designated by the [district attorney] *prosecutor*. If the application is granted, the psychiatrist or psychologist designated to conduct the examination must notify the [district attorney] *prosecutor* and counsel for the defendant of the time and place of the examination. Defendant has a right to have his *or her* counsel present at such examination. The [district attorney] *prosecutor* may also be present. The role of each counsel at such examination is that of an observer, and neither counsel shall be permitted to take an active role at the examination.

[4.] After the conclusion of the examination, the psychiatrist or psychologist must promptly prepare a written report of his *or her* findings and evaluation. A copy of such report must be made available to the [district attorney] *prosecutor* and to the counsel for the defendant. No transcript or recording of the examination is required, but if one is made, it shall be made available to both parties prior to the trial.

5. Any expert witness retained by a defendant for the purpose of advancing a psychiatric defense whom defendant intends to call at trial must prepare a written report of his or her findings and evaluation.

6. Within fifteen days prior to the commencement of trial, the parties shall exchange copies of any reports prepared pursuant to subdivisions four and five of this section. Any transcript or recording of an examination of defendant pursuant to subdivisions four or five of this section shall be made available to the other party together with the report of the examination.

7. If, after the exchange of psychiatric reports between the prosecutor and counsel for defendant, as provided in subdivision six of this section, any psychiatrist or psychologist through whom a party intends to introduce psychiatric evidence at trial examines the defendant, or any psychiatrist or psychologist who has previously examined the defendant makes further findings or evaluation regarding the defendant, he or she must promptly prepare a report of his or her findings and evaluation. A copy of such report must be made available to the prosecutor and to the counsel for the defendant.

8. If the court finds that the defendant has willfully refused to cooperate fully in the examination ordered pursuant to subdivision [three] *four* of this section *or that the defendant has failed to provide the prosecutor with copies of the written report of the findings and evaluation of a psychiatrist or psychologist whom defendant intends to call to testify at trial as provided in subdivisions five and six of this section*, it may preclude introduction of testimony by a psychiatrist or psychologist concerning mental disease or defect of the defendant at trial. Where, however, the defendant has other proof of his *or her* affirmative defense, and the court has found that the defendant did not submit to or cooperate fully in the examination ordered by the court, this other evidence, if otherwise competent, shall be admissible. In such case, the court must instruct the jury that the defendant did not submit to or cooperate fully in the pre-trial psychiatric examination ordered by the court pursuant to subdivision [three] *four* of this section and that such failure may be considered in determining the merits of the affirmative defense.

§15. Subdivision 1 of section 255.20 of the criminal procedure law, as amended by chapter 369 of the laws of 1982, is amended to read as follows:

1. Except as otherwise expressly provided by law, whether the defendant is represented by counsel or elects to proceed pro se, [all] *any* pre-trial [motions] *motion* shall be served or filed within forty-five days after arraignment and before commencement of trial or within such additional time as the court may fix upon application of the defendant made prior to entry of judgment, *except that any pre-trial motion with respect to material which the prosecutor has disclosed pursuant to article 240 shall be served and filed within thirty days after the prosecutor has disclosed such material or within such additional time as the court may direct*. In an action in which an eavesdropping warrant and application have been furnished pursuant to section 700.70 or a notice of intention to introduce evidence has been served pursuant to section 710.30, such period shall be extended until forty-five days after the last date of such service. If the defendant is not represented by counsel and has requested an adjournment to obtain counsel or to have counsel assigned, such forty-five day period shall commence on the date counsel initially appears on defendant's behalf.

§16. Subdivisions 1 and 2 of section 710.30 of the criminal procedure law, subdivision 1 as amended by chapter 8 of the laws of 1976 and subdivision 2 as amended by chapter 194 of the laws of 1976, are amended to read as follows:

1. Whenever the people intend to offer at a trial (a) evidence of a statement made by a defendant to a public servant, which statement if involuntarily made would render the evidence thereof suppressible upon motion pursuant to subdivision three of section 710.20, or (b) testimony regarding an observation of the defendant either at the time or place of the commission of the offense or upon some other occasion relevant to the case, to be given by a witness who has previously identified him *or her* as such, they must serve upon the defendant a notice of such intention, specifying the evidence intended to be offered *and, to the extent not previously disclosed, must make available to the defendant any written, recorded or oral statement made by such witness regarding such observation of defendant.*

2. Such notice must be served within fifteen days after arraignment and before trial, and upon such service the defendant must be accorded reasonable opportunity to move before trial, pursuant to subdivision one of section 710.40, to suppress the specified evidence. [For good cause shown, however, the] *The* court, *however*, may permit the [people] *prosecutor* to serve such notice [thereafter and in such case it must accord the defendant reasonable opportunity thereafter to make a suppression motion] *at any time upon a showing that the failure to serve such notice in timely fashion was not intended to impair and has not substantially prejudiced the ability of the defendant to make a motion pursuant to this article.*

§17. This act shall take effect 90 days after it shall have become a law.

2. Separation of Jury During Deliberations (CPL 310.10)

The Committee recommends that section 310.10 of the Criminal Procedure Law be amended to authorize a court to permit a deliberating jury to separate temporarily, including overnight and on weekends and holidays. This would facilitate and encourage jury service, reduce the potentially coercive impetus to arrive at a prompt verdict and save the expense necessitated by prolonged sequestration in cases in which there is no likelihood of jury tampering or influence.

Section 310.10 now provides that a deliberating jury "must be continuously kept together with the supervision of a court officer or court officers" or other personnel. This requires that deliberating jurors be kept in hotel rooms or other accommodations, fed and guarded during deliberations. This rule is in marked contrast to the more flexible approach employed in the federal courts, where sequestration is within the court's discretion.

Our proposal would amend New York's rigid rule by allowing dispersal when the court so authorizes. Dispersal should be the rule rather than the exception. In most cases the jury is not sequestered during the trial itself, and the possibility that the jurors will defy the court's instructions and read about or discuss the case with outsiders, or that the jurors will be tampered with, should be no greater during deliberations. The likelihood of exposure to news reports in fact may be less during deliberations, when the media no longer has any new evidence to report.

It is undisputed that this proposal would have a favorable impact on the State budget. An evaluation of costs of sequestering juries has indicated that its enactment could result in a saving of approximately $2,700 for each day a jury is not sequestered when it normally would have been, and the total potential savings in expenses for meals, lodging and transportation for jurors and overtime pay and increased pension costs for court personnel could exceed $2,000,000 a year.

Proposal

AN ACT

to amend the criminal procedure law, in relation to authorizing the temporary separation of a deliberating jury

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 310.10 of the criminal procedure law, as amended by chapter 214 of the laws of 1974, is amended to read as follows:

§310.10. Jury deliberation; requirement of; where conducted. *1.* Following the court's charge, the jury must retire to deliberate upon its verdict in a place outside the courtroom. It must be provided with suitable accommodations therefor and must, *except as otherwise provided in subdivision two,* be continuously kept together under the supervision of a court officer or court officers. In the event such court officer or court officers are not available, the jury shall be under the supervision of an appropriate public servant or public servants. Except when so authorized by the court or when performing administerial duties with respect to the jurors, such court officers or public servants, as the case may be, may not speak to or communicate with them or permit any other person to do so.

2. At any time after the jury has commenced its deliberations, the court may declare the deliberations to be in recess and may thereupon direct the jury to suspend its deliberations and to separate for a reasonable period of time to be specified by the court, including Saturdays, Sundays and holidays. Before each recess, the court must admonish the jury as provided in section 270.40 and direct it to resume its deliberations when all twelve jurors have reassembled in the designated place at the termination of the declared recess.

§2. This act shall take effect immediately.

3. Dismissal of Felony Complaint (CPL 180.85)

The Committee recommends that a new section 180.85 be added to the Criminal Procedure Law, providing that after arraignment upon a felony complaint, the local or superior court before which the action is pending, on motion of either party, may dismiss such felony complaint on the ground that defendant has been denied the right to a speedy trial, pursuant to section 30.30 of the Criminal Procedure Law.

Although section 30.30(1)(a) of the Criminal Procedure Law requires the People to be ready for trial within six months of the commencement of a felony action, the Criminal Procedure Law fails to provide a procedural mechanism for dismissing a felony complaint where defendant is held for the Grand Jury and the six-month period expires before any action is taken by the Grand Jury. *See People* v. *Daniel P.*, 94 A.D.2d 83, 86 (2d Dept. 1983). The Court of Appeals has held that section 210.20 of the Criminal Procedure Law, which provides for dismissal of an indictment on speedy trial grounds, does not authorize the Supreme Court to dismiss a felony complaint and that there is no inherent authority to order such dismissal. *Morgenthau* v. *Roberts*, 65 N.Y.2d 749 (1985). Nor may a local criminal court dismiss a felony complaint on speedy trial grounds pursuant to section 170.30 of the Criminal Procedure Law, because that section applies only to nonfelony accusatory instruments. *People* v. *Sherard*, N.Y.L.J., Jan. 19, 1988, p. 19, col. 5 (App. Term, 1st Dept.).

In his commentary to section 30.30 of the Criminal Procedure Law, Professor Peter Preiser observes:

> A gap in the speedy trial provisions that should receive legislative attention was exposed by the decision in Matter of Morgenthau v. Roberts, 65 N.Y.2d 749, 492 N.Y.S.2d 21, 481 N.E.2d 561 (1985). Apparently there is no court that has jurisdiction to entertain a motion to dismiss a felony complaint on speedy trial grounds in a case where more than six months has elapsed but the defendant still has not been indicted. This could result in a situation where a defendant must remain under the shadow of what may well be an unprosecutable charge (at least insofar as statutory as distinguished from constitutional speedy trial is concerned).

N.Y. Crim. Proc. Law §30.30, 1985 Supplementary Practice Commentary (McKinney Supp. 1988, p. 54). *See also People* v. *Daniel P.*, *supra*, at 90-91 (noting defendant's interest in securing final disposition of an action and the benefits of liberating defendant from the stigma of being accused of an unprovable charge).

This measure would remedy the present gap in the law by creating a procedural mechanism for dismissing a felony complaint where there has been no timely grand jury action. It would permit either a superior court or a local criminal court before which an action is pending to dismiss a felony complaint on speedy trial grounds, upon the motion of either party. By providing defendant with the means of obtaining dismissal of a felony complaint where the Grand Jury has failed to act within the six-month trial readiness period, this measure would give effect to the objectives of section 30.30 of requiring the People to be ready for trial in a timely fashion.

Proposal

AN ACT

to amend the criminal procedure law, in relation to dismissal of a felony complaint

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision one of section 30.30 of the criminal procedure law is amended to read as follows:

1. Except as otherwise provided in subdivision three, a motion made pursuant to paragraph (e) of subdivision one of section 170.30, *section 180.85* or paragraph (g) of subdivision one of section 210.20 must be granted where the people are not ready for trial within:

§2. The criminal procedure law is amended by adding a new section 180.85 to read as follows:

§180.85. Proceeding upon felony complaint; dismissal upon speedy trial grounds. After arraignment upon a felony complaint, the local criminal court or superior court before which the action is pending, may, on the motion of either party, dismiss such felony complaint or any count thereof, upon the ground that defendant has been denied the right to a speedy trial pursuant to section 30.30.

§3. This act shall take effect 90 days after it shall have become a law.

4. Reduction of Peremptory Challenges (CPL 270.25)

The Committee recommends that section 270.25 of the Criminal Procedure Law be amended to reduce the number of peremptory challenges allotted to a single defendant from 20 to 15 if the highest crime charged is a Class A felony, from 15 to 12 if the highest crime charged is a Class B or C felony, and from ten to eight in all other cases. Where two or more defendants are tried together, the number of peremptory challenges allotted would remain at 20 for a Class A felony, 15 for a Class B or C felony, and ten for all other cases. The Committee further proposes that, for good cause shown, the court be permitted to increase the number of peremptory challenges available either to single or multiple defendants.

After conducting an intensive study of the method of jury selection in New York, the Subcommittee on the Jury System of the Advisory Committee on Court Administration, chaired by the Hon. Caroline K. Simon, recommended the reduction of the number of peremptory challenges to the levels proposed herein as a means of improving the efficiency of our jury selection system. Subcommittee on the Jury System, *Interim Report*, 1976/77. The Subcommittee based its recommendation on the following specific findings:

> 1. There is a direct correlation between the number of peremptory challenges permitted and the excessively large size of panels sent to *voir dire*.
>
> 2. Peremptory challenges extend the time necessary to conduct *voir dire*, which has the effect of delaying trials and congesting court calendars.
>
> 3. The use of the challenge provokes hostility and resentment on the part of jurors who are peremptorily excused.
>
> 4. The availability of a large number of peremptory challenges in criminal cases can result in systematic exclusion of particular groups from jury service in a given trial.
>
> 5. It is questionable whether the peremptory challenge accomplishes the purpose for which it was devised — producing an impartial jury. Instead, it may convincingly be argued that it is used by attorneys to pick a biased jury rather than an unbiased one.

The Subcommittee also noted that New York now allows more challenges in felony cases than most other states.

This Committee agrees with these findings and recommends this proposal as an effective method of significantly reducing delays in the conduct of criminal jury trials, without diminishing the fairness of the trial. Our proposal would permit the court, for good cause shown, to increase the number of allotted peremptory challenges allowed to single or multiple defendants. We feel this authority is necessary to preserve the rights of the parties in exceptional cases.

Proposal

AN ACT

to amend the criminal procedure law, in relation to the number of peremptory challenges

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions 2 and 3 of section 270.25 of the criminal procedure law are amended to read as follows:

2. [Each] *When one defendant is tried, each* party must be allowed the following number of peremptory challenges:

(a) [Twenty] *Fifteen* for the regular jurors if the highest crime charged is a class A felony, and two for each alternate juror to be selected, *except that, for good cause shown, the court may allow up to five additional peremptory challenges to regular jurors.*

(b) [Fifteen] *Twelve* for the regular jurors if the highest crime charged is a class B or class C felony, and two for each alternate juror to be selected, *except that, for good cause shown, the court may allow up to three additional peremptory challenges to regular jurors.*

(c) [Ten] *Eight* for the regular jurors in all other cases, and two for each alternate juror to be selected, *except that, for good cause shown, the court may allow up to two additional peremptory challenges to regular jurors.*

3. When two or more defendants are tried jointly, [the number of peremptory challenges prescribed in subdivision two is not multiplied by the number of defendants, but such defendants] *each party must be allowed the following number of peremptory challenges:*

(a) Twenty for the regular jurors if the highest crime charged is a class A felony, and two for each alternate juror to be selected, except that, for good cause shown, the court may allow up to five additional peremptory challenges to regular jurors.

(b) Fifteen for the regular jurors if the highest crime charged is a class B or class C felony, and two for each alternate juror to be selected, except that, for good cause shown, the court may allow up to three additional peremptory challenges to regular jurors.

(c) Ten for the regular jurors in all other cases,and two for each alternate juror to be selected, except that, for good cause shown, the court may allow up to two additional peremptory challenges to regular jurors. All defendants tried jointly are to be treated as a single party. In any such case, a peremptory challenge by one or more defendants must be allowed if a majority of the defendants join in such challenge. Otherwise, it must be disallowed.

§3. This act shall take effect 90 days after it shall have become a law.

5. Amendment of Indictment (CPL Article 205)

The Committee recommends that the Criminal Procedure Law be amended, by the addition of a new Article 205, to establish a procedure for amending an indictment, prior to retrial, to charge lesser included offenses of counts that have been disposed of under such circumstances as to preclude defendant's retrial thereon. Legislative action permitting such amendments was recommended to the Advisory Committee by the Court of Appeals.

In *People* v. *Mayo*, 48 N.Y.2d 245 (1979), defendant was charged with robbery in the first degree. The trial court refused to submit that charge to the jury, submitting instead the lesser included offenses of robbery in the second and third degrees. The jury was unable to reach a verdict on these lesser charges and a mistrial was declared. Defendant then was retried on the original indictment. Although the first degree robbery count was not submitted to the jury at the second trial, the Court of Appeals held that it was improper to retry defendant on the original indictment. The Court reasoned that since the sole count of the indictment could not be retried because of the prohibition against double jeopardy, nothing remained to support further criminal proceedings under that accusatory instrument. 48 N.Y.2d at 253. Impliedly, this holding also foreclosed amendment of the original indictment to charge the lesser included offenses on which retrial was not prohibited. Accordingly, the practical effect of the Court's holding is to require re-presentation of cases to grand juries. This consumes the time and resources of district attorneys, grand juries and witnesses alike, without any concomitant benefit to defendant. *See People* v. *Gonzales*, 96 A.D.2d 847 (2d Dept. 1983) (Titone, J., dissenting).

In a footnote to its holding in *Mayo*, the Court noted its belief that "there would have been no constitutional or statutory bar to a retrial" had the People obtained a new indictment containing only the second and third degree robbery counts. 48 N.Y.2d at 250 (*see* footnote 2). In accordance with this observation and at the request of the Court of Appeals, the Advisory Committee undertook to prepare remedial amendments to the Criminal Procedure Law.

This measure, which reflects those amendments, would establish a new Article 205 of the Criminal Procedure Law setting forth a procedure whereby an indictment may be amended prior to retrial to charge lesser included offenses of counts that have been disposed of at the first trial, whether or not such lesser included offenses were submitted to the jury at the initial trial. It would require the People to make a written application to amend the indictment, on notice to defendant, at least 20 days prior to the new trial. Further, the People would be required to file a copy of the indictment, as it is proposed to be amended, with their application, and to serve a copy of the amended indictment upon defendant. These provisions are intended to insure that the functions of an indictment — to give defendant adequate notice of the charges against him — are not compromised by the amendment procedure.

Proposal

AN ACT

to amend the criminal procedure law, in relation to amendment of indictment

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The criminal procedure law is amended by adding a new article 205 to read as follows:

ARTICLE 205

RETRIAL OF LESSER INCLUDED OFFENSES

§205.10. Procedure for amending indictment where retrial is ordered.

§205.10. Procedure for amending indictment where retrial is ordered. Notwithstanding any other provision of law, whenever (a) an offense charged in a count of an indictment is disposed of under such circumstances as to preclude defendant's retrial thereon and (b) a new trial is ordered, the trial court may, upon application of the people and with notice to the defendant and opportunity to be heard, order the amendment of the indictment to charge any lesser included offenses, as defined in section 1.20(37), of such

offense, whether or not such lesser included offenses were submitted to the finder of fact upon trial of the original indictment, provided, however, that the indictment may not be amended to charge a lesser included offense that was disposed of under such circumstances as to preclude defendant's retrial thereon. Such application must include a copy of the indictment as it is proposed to be amended and must be made, in writing, at least twenty days prior to commencement of the new trial. Upon granting an application hereunder, the trial court shall order the people to file the amended indictment with the court and to cause defendant to be furnished with a copy thereof.

§2. This act shall take effect 90 days after it shall have become a law.

6. Appeal by the People from Preclusion Order (CPL 450.20, 450.50)

The Committee recommends that section 450.20 of the Criminal Procedure Law be amended to provide that the People may appeal as of right from an order prohibiting the introduction of certain evidence or the calling of certain witnesses, entered before trial pursuant to section 240.70 of the Criminal Procedure Law. The Committee further proposes that section 450.50 of the Criminal Procedure Law be amended to permit the People to take an appeal from a preclusion order, if the People file a statement asserting that they are unable to prosecute without the evidence ordered precluded, and to provide that the taking of an appeal from a preclusion order constitutes a bar to prosecution unless or until such order is reversed or vacated.

In *People* v. *Anderson*, 66 N.Y.2d 529, 537 (1985), the Court of Appeals held that section 30.30 of the Criminal Procedure Law does not require the Court to dismiss an action for a default by the People after the People have announced their readiness for trial where lesser sanctions, such as preclusion orders, are available. Anticipating that the court's decision in *Anderson* may lead to an increase in the use of preclusion orders, the Committee recommends that section 450.20 of the Criminal Procedure Law be amended to permit the People to appeal from a preclusion order. The People's right to take such an appeal would be conditioned, however, on the filing of a statement asserting that the prosecution cannot proceed without the precluded evidence.

This procedure would conform to that now required where the People take an appeal from an order suppressing evidence. It would allow the People to obtain appellate review of preclusion orders, while assuring that only those orders affecting evidence at the heart of the People's case are the subject of interlocutory appeals.

Proposal

AN ACT

to amend the criminal procedure law, in relation to appeal by the people from a preclusion order

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 450.20 of the criminal procedure law is amended by adding a new subdivision 10 to read as follows:

10. An order prohibiting the introduction of certain evidence or the calling of certain witnesses, entered before trial pursuant to section 240.70; provided that the people file a statement in the appellate court pursuant to section 450.50.

§2. Subdivisions 1 and 2 of section 450.50 of the criminal procedure law are amended to read as follows:

1. In taking an appeal, pursuant to subdivision eight *or ten* of section 450.20, to an intermediate appellate court from an order of a criminal court suppressing evidence *or an order prohibiting the introduction of certain evidence or the calling of certain witnesses*, the people must file, in addition to a notice of appeal or, as the case may be, an affidavit of errors, a statement asserting that the deprivation of the use of the evidence ordered suppressed *or precluded* has rendered the sum of the proof available to the people with respect to a criminal charge which has been filed in the court either (a) insufficient as a matter of law, or (b) so weak in its entirety that any reasonable possibility of prosecuting such charge to a conviction has been effectively destroyed.

2. The taking of an appeal by the people, pursuant to subdivision eight *or ten* of section 450.20, from an order suppressing evidence *or an order prohibiting the introduction of certain evidence or the calling of certain witnesses*, constitutes a bar to the prosecution of the accusatory instrument involving the evidence ordered suppressed *or precluded*, unless and until such suppression *or preclusion* order is reversed upon appeal and vacated.

§3. This act shall take effect 90 days after it shall have become a law.

7. Verification of Allegations by Child Witness or Person Suffering from Mental Disease or Defect and Conversion of Misdemeanor Complaint (CPL 100.30, 100.40, 170.65)

The Committee recommends that section 100.30 of the Criminal Procedure Law be amended to prescribe a procedure for verification of a felony complaint, information, misdemeanor complaint or supporting deposition, where the deponent is a child less than 12 years old or a person suffering from mental disease or defect. The Committee also recommends that section 170.65 of the Criminal Procedure Law be amended to provide that a misdemeanor complaint may be converted to an information based on the unverified allegations of a child witness or person suffering from mental disease or defect, provided those allegations are corroborated by verified allegations.

The law requires that a felony complaint, information, misdemeanor complaint or supporting deposition be subscribed and verified by a person having knowledge of the commission of the offense charged (CPL §§100.15(1), 100.20). Section 100.30 of the Criminal Procedure Law provides that a felony complaint, information, misdemeanor complaint or supporting deposition may be verified by being sworn to before (a) the court in which it is filed; (b) a desk officer in charge at a police station or police headquarters or any of his or her superior officers; (c) a designated public servant; or (d) a notary public. Verification also may be accomplished by having the deponent sign a felony complaint, information, misdemeanor complaint or supporting deposition bearing a form notice that false statements made therein are punishable as a class A misdemeanor pursuant to section 210.45 of the Penal Law.

In *People* v. *Bryan S.*, N.Y.L.J., Sept. 12, 1985, p. 6, col. 6 (Crim. Ct., N.Y. County), the Court called attention to the difficulty of complying with the verification requirement where the complainant is a child. Noting that "[t]he rigid requirements of CPL 100.15, 100.30 and 100.40 require an oath of verification to convert the hearsay allegations of a [misdemeanor] complaint into a jurisdictionally sufficient accusatory instrument," the Court concluded that the verification provisions cannot be satisfied where a child does not understand and appreciate the nature of an oath. In response to the *Bryan S.* decision, the Committee proposed legislation to permit a misdemeanor complaint to be converted to an information based on a child's unverified allegations, where such allegations are supported by verified allegations tending to establish that a crime was committed and tending to connect defendant to the crime.

Since the Committee made its initial proposal, several other cases have considered the issue raised in *Bryan S.*. In *People* v. *King*, 137 Misc.2d 1087 (Crim. Ct., N.Y. County 1988), the Court observed that the Criminal Procedure Law fails to provide a specific procedure for verification of a misdemeanor complaint by a child witness. The Court directed the People to conduct a *voir dire* of the child witness as to the witness's capacity to understand the nature of the oath and to file a supporting affidavit attesting to the child's ability to verify the facts alleged in the information. In *People* v. *Pierre*, 140 Misc.2d 623 (Crim. Ct., N.Y. County, 1988), the Court declined to follow this approach, on the ground that the method of verification devised in *King* is not contemplated by the Criminal Procedure Law and that section 100.30(1)(a) of the Criminal Procedure Law, which provides that a complaint may be verified by being sworn to before the court, gives the court authority to conduct an *ex parte* inquiry to determine the child's ability to be sworn. *See also People* v. *Wiggans*, 140 Misc.2d 1011 (Crim. Ct., Kings County, 1988) (court should make case by case evaluation to determine what method of verification permitted by CPL §100.30 is appropriate).

The frequency with which the verification issue is raised and the divergent results reached by the courts demonstrate the clear need for a uniform method of verifying allegations made by a child witness, or, by like reasoning, a witness suffering from mental disease or defect. *Cf.* CPL §60.20 (testimonial capacity of infants and persons suffering from mental disease or defect). The Committee's proposal accordingly has been expanded to provide that the prosecutor shall conduct an *ex parte* examination of the child or person suffering from mental disease or defect to determine his or her ability to understand the oath. A transcript or videotape of such examination shall be reviewed by the court. If, after reviewing the transcript or videotape or conducting its own *ex parte* examination of the witness, the court determines that the witness understands the nature of an oath, it shall permit the witness's allegations to be verified by being sworn to before the court, a desk officer, public servant or notary public [*see* CPL §100.30(1)(a)-(c), (e)].

In the event the court determines that the verification requirement cannot be met because the witness does not understand the nature of an oath, it nevertheless may permit a misdemeanor complaint to be converted to an information where the unverified allegations of the witness are sufficient to establish every element of the offense charged and of defendant's commission thereof and are corroborated by verified allegations [see proposed amendments to CPL §170.65(1)]. In view of the large number of child abuse cases in which the verification requirement may pose an insurmountable barrier to prosecution [*see People* v. *Bryan S*, *supra*], this amendment is necessary to protect child victims. At the same time, by requiring a child's unverified statements to be corroborated by verified allegations, it will assure that defendant is not prosecuted on an unprovable charge.

Proposal

AN ACT

to amend the criminal procedure law, in relation to verification of accusatory instrument by child witness or person suffering from mental disease or defect and conversion of misdemeanor complaint

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 100.30 of the criminal procedure law is amended by adding a new subdivision 3 to read as follows:

3. Where the deponent is a child under the age of twelve or a person suffering from mental disease or defect, the prosecutor shall examine the child or person suffering from mental disease or defect in an ex parte proceeding to determine such child's or person's ability to understand the nature of an oath. If the prosecutor determines that the child or person suffering from mental disease or defect understands the nature of an oath, a written transcript or videotaped recording of such examination shall be submitted to the court for review. If the court cannot determine from reviewing the transcript or videotaped recording whether the child or person suffering from mental disease or defect understands the nature of an oath, it may conduct its own ex parte on the record examination of the child or person suffering from mental disease or defect. If, after reviewing the transcript or videotaped recording of the prosecutor's *examination, or conducting its own examination, the court finds that the child or person understands the nature of an oath, it must permit the child or person to be deposed or sworn in the manner described in paragraphs (a), (b), (c) and (e) of subdivision one, for the purpose of verifying a felony complaint, information, misdemeanor complaint, or supporting deposition.*

§2. Paragraph (c) of subdivision 1 of section 100.40 of the criminal procedure law is amended to read as follows:

(c) [Non-hearsay] *Except as otherwise provided in subdivision one of section 170.65 of this chapter, nonhearsay* allegations of the factual part of the information and/or of any supporting depositions establish, if true, every element of the offense charged and the defendant's commission thereof.

§3. Subdivision 1 of section 170.65 of the criminal procedure law is amended to read as follows:

1. A defendant against whom a misdemeanor complaint is pending is not required to enter a plea thereto. For purposes of prosecution, such instrument must, except as provided in subdivision three, be replaced by an information, and the defendant must be arraigned thereon. If the misdemeanor complaint is supplemented by a supporting deposition and such instruments taken together satisfy the requirements for a valid information, such misdemeanor complaint is deemed to have been converted to and to constitute a replacing information. *Where a misdemeanor complaint does not satisfy the requirements for a valid information solely because of the inability of a child less than twelve years old, or person suffering from mental disease or defect, to understand the nature of an oath, the aforesaid requirements shall be deemed satisfied where the unverified allegations of such child or person suffering from mental disease or defect, as set forth in the accusatory instrument or supporting deposition, if true, are sufficient to establish every element of the offense charged and defendant's commission thereof, and are supported by verified allegations tending to establish that a crime was committed and tending to connect the defendant with the commission of such offense.*

§4. This act shall take effect 90 days after it shall have become a law.

8. Motion to Dismiss Indictment in Interest of Justice (CPL 210.40)

The Committee recommends that a new paragraph be added to subdivision one of section 210.40 of the Criminal Procedure Law to provide that in determining whether to grant a motion to dismiss an indictment in the interest of justice, the court shall consider whether there has been unreasonable delay due to the People's repeated and unjustifiable failure to proceed with the action after both sides have answered ready and the court has fixed a date for a hearing or trial.

Although the expeditious processing of a criminal case often is hampered by the failure to produce witnesses at a hearing or trial, the Court of Appeals has held that a trial court has no authority to enter a nonappealable trial order of dismissal as a remedy for the People's inability to produce the complaining witness after multiple adjournments. *Holtzman* v. *Goldman*, 71 N.Y.2d 564 (1988). The Court noted, however, that the trial court was not helpless in the face of the People's failure to proceed and had various options available to it, including a dismissal in the interest of justice. 71 N.Y.2d at 574. The Court observed that such a dismissal "may well be appropriate" to redress the People's abuse of adjournments. 71 N.Y.2d at 575.

While the Court of Appeals thus indicated that dismissal in the interest of justice is an appropriate remedy for the failure to proceed, section 210.40 of the Criminal Procedure Law does not provide expressly for consideration of this factor. By inviting the trial court to consider whether unreasonable delay has resulted from the repeated and unjustifiable failure to proceed after the parties have answered ready and the court has fixed a hearing or trial date, this measure would draw attention to the Court of Appeals' suggestion that section 210.40 is a permissible vehicle for redressing abuse of adjournments. At the same time, it would ensure that any dismissal in the interest of justice on this ground would be subject to the requirement that the court state the basis for its ruling (CPL §210.40(3)) and would be appealable by the People (CPL §450.20(1)).

Proposal

AN ACT

to amend the criminal procedure law, in relation to motion to dismiss indictment in furtherance of justice

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph j of subdivision 1 of section 210.40 of the criminal procedure law, as added by chapter 216 of the laws of 1979, is relettered paragraph k and a new paragraph j is added to read as follows:

(j) whether there has been unreasonable delay due to the people's repeated and unjustifiable failure to proceed with the action after the people and the defendant have answered ready and the court has fixed a date for a hearing or trial.

§2. This act shall take effect 90 days after it shall have become a law.

9. Anonymous Jury (CPL 270.15, 270.17)

The Committee recommends that subdivision 1-a of section 270.15 of the Criminal Procedure Law be repealed and that a new section 270.17 be added that permits the court to issue an order precluding disclosure of jurors' and prospective jurors' names and addresses upon a showing by the People that such an order is necessary to prevent bribery, jury tampering or physical injury to or harassment of the jurors or prospective jurors.

Subdivision 1-a of section 270.15 of the Criminal Procedure Law now provides that the court may issue a protective order regulating disclosure of the business or residential address of any prospective or sworn juror to any person or persons, other than to counsel for either party. Significantly, subdivision 1-a does not allow the court to protect jurors' and prospective jurors' names from disclosure, nor does it provide complete assurance that jurors' addresses will not be disclosed to defendant by defense counsel. *See* New York Criminal Procedure Law §270.15, Supplementary Practice Commentary (McKinney Supp. 1989, pp. 199-200) (potential conflict between attorney's faithfulness to officer-of-the-court code and attorney-client relationship "could cause trouble in the very type case for which this legislative protection is created"). While salutary, subdivision 1-a thus fails to provide the court with sufficient means to protect jurors from intimidation and harm.

Although there are no reported New York cases addressing the propriety of withholding the names and addresses of jurors and prospective jurors, an anonymous jury was selected in the celebrated 1983 Brinks case in Orange County. Moreover, the federal courts are in agreement that a trial judge has the discretion to protect the identities of jurors and prospective jurors in an appropriate case. *See United States* v. *Scarfo*, 850 F.2d 1015, 1021-1023 (3rd Cir.), *cert. denied*, 488 U.S. 910 (1988) (motion to impanel an anonymous jury granted where alleged boss of organized crime group was charged with conspiracy and extortion, prospective witness and judge had been murdered in the past and attempts had been made to bribe other judges); *United States* v. *Persico*, 832 F.2d 705, 717 (2d Cir. 1987), *cert. denied*, 486 U.S. 1022 (1988) (upholding decision to impanel anonymous jury based on violent acts committed in normal course of Columbo Family business, the Family's willingness to corrupt and obstruct criminal justice system and extensive pretrial publicity); *United States* v. *Ferguson*, 758 F.2d 843, 854 (2d Cir.), *cert. denied*, 474 U.S. 841 (1985) (trial court justified in keeping jurors' identities secret where evidence that defendants had discussed killing five government witnesses and "Wanted: Dead or Alive" poster of another government witness had been circulated); *United States* v. *Thomas*, 757 F.2d 1359, 1362-1365 (2d Cir. 1985), *cert. denied*, 479 U.S. 818 (1986) (anonymous jury impaneled where defendants charged with narcotics, firearm and RICO violations and government submitted evidence that defendants had bribed a juror at a prior trial and had put out a contract on the life of the chief government witness); *United States* v. *Barnes*, 604 F.2d 121, 140-141 (2d Cir. 1979), *cert. denied*, 446 U.S. 907 (1980) (court properly directed jurors not to disclose their names and addresses where notwithstanding that no actual threats were received, the seriousness of the charges, the extent of pretrial publicity and the history of attempts to influence and intimidate jurors in multi-defendant narcotics cases tried in the Southern District of New York was sufficient to put the court on notice that safety precautions should be taken).

In *United States* v. *Thomas*, defendants claimed that impanelment of an anonymous jury deprived them of due process by destroying the presumption of innocence. The Second Circuit rejected this argument, saying:

> [P]rotection of jurors is vital to the functioning of the criminal justice system. As a practical matter, we cannot expect jurors to "take their chances" on what might happen to them as a result of a guilty verdict. Obviously, explicit threats to jurors or their families or even a general fear of retaliation could well affect the jury's ability to render a fair and impartial verdict. Justice requires that when a serious threat to juror safety reasonably is found to exist, precautionary measures must be taken.
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> * * *
>
> Nevertheless, we do not mean to say that the practice of impanelling an anonymous jury is constitutional in all cases. As should be clear from the above analysis, there must be, first, strong reason to believe that the jury needs protection and, second, reasonable precaution must be taken to minimize the effect that such a decision might have on the jurors' opinions of the defendants.

757 F.2d at 1364-1365. *Accord United States* v. *Scarfo*, 850 F.2d at 1021-1023 (selection of anonymous jury did not impair defendant's right to exercise peremptory challenges or infringe on the presumption of innocence).

There are compelling policy considerations favoring the use of anonymous juries in appropriate cases. As the Third Circuit observed in *United States* v. *Scarfo*:

> Juror's fears of retaliation from criminal defendants are not hypothetical; such apprehension has been documented .... As judges, we are aware that, even in routine criminal cases, veniremen are often uncomfortable with disclosure of their names and addresses to a defendant. The need for such information in preparing an effective defense is not always self-evident. If, in circumstances like those in *Barnes*, jury anonymity promotes impartial decision making, that result is likely to hold equally true in less celebrated cases.
>
> The virtue of the jury system lies in the random summoning from the community of twelve "indifferent" persons - "not appointed till the hour of trial" - to decide a dispute, and in their subsequent, unencumbered return to their normal pursuits. The lack of continuity in their service tends to insulate jurors from recrimination for their decisions and to prevent the occasional mistake of one panel from being perpetuated in future deliberations. Because the system contemplates that jurors will inconspicuously fade back into the

> community once their tenure is completed, anonymity would seem entirely consistent with, rather than anathema to, the jury concept. In short, we believe that the probable merits of the anonymous jury procedure are worthy, not of a presumption of irregularity, but of disinterested appraisal by the courts.

850 F.2d at 1023 (citations omitted). These considerations, together with the lack of any constitutional bar to impanelment of an anonymous jury, warrant passage of legislation that expressly would permit the court to protect the identities of jurors from disclosure.

This measure provides that the prosecutor may move within three days prior to the commencement of jury selection for an order directing that jurors and prospective jurors shall not disclose their names or residential or business addresses. The court may permit the prosecutor to file such a motion thereafter, for good cause shown. At a hearing on the motion, the prosecutor is required to show by clear and convincing evidence that such an order is necessary to protect against the likelihood of bribery or of jury tampering or intimidation. In determining whether the prosecutor has sustained this burden, the court shall consider any relevant factors, including:

1. Whether defendant or persons acting on defendant's behalf have bribed, tampered with, or caused or attempted to cause physical injury to or harassment of a juror or prospective juror, or a witness or prospective witness, in another criminal action or proceeding or in the instant proceeding;

2. Whether defendant is a member of a group that has manifested an intention to harm or intimidate witnesses or jurors;

3. The seriousness of the charges against defendant;

4. The extent of pretrial publicity about the criminal action or proceeding.

To balance any adverse effect on defendant of withholding the identities of jurors, this measure permits the court to enlarge the scope and duration of *voir dire*. *See United States* v. *Scarfo*, 850 F.2d at 1017 (potential jurors completed written questionnaires encompassing wide range of personal demographics and jurors questioned personally by court and counsel); *United States* v. *Persico*, 832 F.2d at 717 (searching *voir dire* conducted by trial judge alleviated risk that use of anonymous jury would cast unfair aspersions on defendants); *United States* v. *Barnes*, 604 F.2d at 142 (no denial of right to exercise challenges where parties had "arsenal of information" about prospective jurors based on extensive *voir dire*).

This measure further seeks to offset any prejudicial effect of selecting jurors on an anonymous basis by requiring the court to give a precautionary instruction to the jury upon defendant's request. *See United States* v. *Thomas*, 757 F.2d at 1364-1365 (trial judge's explanation to the jury minimized potential for prejudice to defendant). *But see United States* v. *Scarfo*, 850 F.2d at 1026 (suggesting that if court had not made a point of discussing anonymity, jurors simply might have assumed nondisclosure to be the normal course).

Because the provisions of present subdivision 1-a of section 270.15 are subsumed in proposed section 270.17, this measure repeals subdivision 1-a. It also makes a conforming amendment to subdivision one of section 270.15.

Proposal

AN ACT

to amend the criminal procedure law, in relation to anonymous juries

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (a) of subdivision 1 of section 270.15 of the criminal procedure law, as amended by chapter 467 of the laws of 1985, is amended to read as follows:

(a) If no challenge to the panel is made as prescribed by section 270.10, or if such challenge is made and disallowed, the court shall direct that the names of not less than twelve members of the panel be drawn and called as prescribed by the judiciary law, *except as otherwise required by section 270.17*. Such persons shall take their places in the jury box and shall be immediately sworn to answer truthfully questions asked them relative to their qualifications to serve as jurors in the action. In its discretion, the court may require prospective jurors to complete a questionnaire concerning their ability to serve as fair and impartial jurors, including but not limited to place of birth, current address, education, occupation, prior jury service, knowledge of, relationship to, or contact with the court, any party, witness or attorney in the action and any other fact relevant to his or her service on the jury. An official form for such questionnaire shall be developed by the chief administrator of the courts in consultation with the administrative board of the courts. A copy of questionnaires completed by the members of the panel shall be given to the court and each attorney prior to examination of prospective jurors.

§2. Subdivision 1-a of section 270.15 of the criminal procedure law is REPEALED.

§3. The criminal procedure law is amended by adding a new section 270.17 to read as follows:

§270.17. Trial jury; anonymous panel. (1) The people may make a motion for an order protecting the names and residential and business addresses of jurors and prospective jurors from disclosure to any person. Such a motion shall be made no later than three days, excluding Saturdays, Sundays and holidays, prior to the commencement of jury selection, but for good cause may be made thereafter. The court shall conduct a hearing upon such motion and make findings of

fact essential to the determination thereof. All persons giving factual information at such hearing must testify under oath, except that unsworn evidence pursuant to subdivision two of section 60.20 of this chapter also may be received. Upon such hearing, hearsay evidence shall be admissible to establish any material fact.

(2) At the hearing, the people shall bear the burden of proving by clear and convincing evidence that a protective order is necessary to protect against the likelihood of bribery, jury tampering or physical injury to or harassment of the jurors or prospective jurors. In determining whether the people have sustained this burden, the court may consider any relevant factors, including:

(a) whether defendant or persons acting on defendant's behalf have bribed, tampered with, or caused or attempted to cause physical injury to or harassment of a juror or prospective juror, or a witness or prospective witness, in another criminal action or proceeding or in the instant criminal action or proceeding;

(b) whether defendant is a member of an enterprise, as defined in subdivision two of section 460.10 of the penal law, that by itself or through any of its members has manifested an intention to bribe, tamper with, or cause or attempt to cause physical injury to or harassment of a juror or prospective juror, or a witness or prospective witness, in the instant criminal action or proceeding;

(c) the seriousness of the charges against defendant;

(d) the extent of pretrial publicity concerning the criminal action or proceeding.

(3) If the court determines that a protective order should issue, it shall direct that all jurors and prospective jurors thereafter shall be identified by some means other than their names and their residential and business addresses. The court may enlarge the scope and duration of the parties' examination of prospective jurors to assure that the parties have sufficient information upon which to base the exercise of peremptory challenges and challenges for cause pursuant to sections 270.20 and 270.25.

(4) Upon request by a defendant, but not otherwise, the court shall instruct the jury that the fact that the jury was selected on an anonymous basis is not a factor from which any inference unfavorable to the defendant may be drawn.

§3. This act shall take effect 90 days after it shall have become a law.

10. Appeal from Order Granting or Denying Motion to Set Aside Order of Appellate Court on Ground of Ineffective Assistance of Appellate Counsel (CPL 450.90)

The Committee recommends that section 450.90(1) of the Criminal Procedure Law be amended to authorize an appeal to the Court of Appeals from an order granting or denying a motion to set aside an order of an intermediate appellate court on the ground of ineffective assistance of appellate counsel. Legislative action establishing such authorization was recommended by the New York Court of Appeals in *People* v. *Bachert*, 69 N.Y.2d 593 (1987).

In *People* v. *Bachert*, defendant's conviction was affirmed on direct appeal. Defendant then brought a motion to vacate the judgment in the trial court, pursuant to CPL 440.10(1)(h), based on alleged ineffective assistance of appellate counsel. The *nisi prius* court denied defendant's motion on the ground that it lacked jurisdiction to review a claim of ineffective assistance of appellate counsel. The Appellate Division reversed, concluding that a motion pursuant to CPL 440.10 was the appropriate procedural vehicle to challenge a judgment of conviction based on ineffective appellate counsel grounds. The Court of Appeals reversed, holding that neither a CPL 440.10 motion to vacate judgment nor a CPL 470.50 motion for reargument is a proper means of asserting a claim of ineffective assistance of appellate counsel and that absent any codified form of relief, a common-law *coram nobis* proceeding brought in the proper appellate court is the only available procedure to review such a claim.

Although the Court of Appeals thus held that a claim of ineffective assistance of appellate counsel could be raised in a *coram nobis* proceeding, it urged the Legislature to enact a statutory remedy for the assertion of such claims:

> [E]ven as we render our decision, "we are also obliged to take this opportunity to express our discomfiture" (see, *People* v *Belge*, 41 NY2d 60, 62) with the absence of a comprehensive statutory mechanism to address collateral claims of ineffective assistance of appellate counsel. The dimensions of the issue and the policy choices involved require that the more permanent solution should come from the Legislature, for example, even on so important an issue as appealability of this new coram nobis determination (under CPL art. 450 and 450.70, such orders would not be appealable by permission or as of right). We invite the Legislature's prompt attention to this problem.

69 N.Y.2d at 600.

In accordance with the Court of Appeals' suggestion, the Appellate Divisions are in the process of adopting a uniform rule, creating a procedural mechanism for reviewing claims of ineffective assistance of counsel. This measure would complement the Appellate Divisions' rule by codifying the power of the Court of Appeals to entertain a permissive appeal from an order of the Appellate Division granting or denying a *Bachert* motion. Enactment of this measure would fill a significant gap in the Criminal Procedure Law and assure that the Court of Appeals has the opportunity to review claims of ineffective assistance of appellate counsel.

Proposal

AN ACT

to amend the criminal procedure law, in relation to appeal from an order granting or denying a motion to set aside an order of an appellate court on the ground of ineffective assistance of appellate counsel

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 450.90 of the criminal procedure law, as amended by chapter 671 of the laws of 1971, is amended to read as follows:

1. Provided that a certificate granting leave to appeal is issued pursuant to section 460.20, an appeal may, except as provided in subdivision two, be taken to the court of appeals by either the defendant or the people from any adverse or partially adverse order of an intermediate appellate court entered upon an appeal taken to such intermediate appellate court pursuant to section 450.10, 450.15, or 450.20 *or from an order granting or denying a motion to set aside an order of an intermediate appellate court on the ground of ineffective assistance of appellate counsel.* An order of an intermediate appellate court is adverse to the party who was the appellant in such court when it affirms the judgment, sentence or order appealed from, and is adverse to the party who was the respondent in such court when it reverses the judgment, sentence or order appealed from. An appellate court order which modifies a judgment or order appealed from is partially adverse to each party.

§2. This act shall take effect 90 days after it shall have become a law.

11. Written Submissions to the Jury (CPL 310.20, 310.30)

The Committee recommends that section 310.20 of the Criminal Procedure Law be amended to permit certain written materials to be submitted to the jury during deliberations. Although the Criminal Procedure Law provides that exhibits, verdict sheets and, in certain circumstances, copies of statutes may be given to the jury (CPL 310.20, 310.30), the law makes no provision for submission to the jury of a copy of the accusatory instrument, the court's instructions to the jury, or a list of the elements of the charges against the defendant and of defenses thereto.

Since 1987, the Court of Appeals has decided a series of cases concerning what materials may be submitted to the jury, with conflicting results. *Cf. People* v. *Owens*, 69 N.Y.2d 585 (1987) (improper to distribute portions of oral charge in writing over defendant's objection) *and People* v. *Nimmons*, 72 N.Y.2d 830 (1988) (absent parties' consent, submission to the jury of sheet listing counts of indictment and defining elements of counts was reversible error) *with People* v. *Moore*, 71 N.Y.2d 684 (1988) (no reversible error found where court granted jury request to be given copy of two counts of indictment, over defendant's objection). Following these decisions, the Court of Appeals invited the Committee to consider proposing legislation to clarify what materials may be submitted to the jury during deliberations.

The Committee agrees that this sensitive issue should be free from any uncertainty. This measure accordingly provides that where the parties so request, the court may submit to the jury so much of the accusatory instrument as contains the counts submitted to the jury and a copy of the court's charge to the jury. The measure further provides that, even absent the parties' consent, the court is authorized to give the jury a sheet stating the elements of all the offenses charged and of defenses thereto, as well as a copy of those portions of the court's charge which define the elements of such offenses and defenses. When more than one offense is charged, the court may not provide the jury with a sheet containing only one or some of the offenses charged, or a copy of the corresponding portions of the court's charge, unless the parties consent or unless the jury specifically requests further instruction regarding only one or some of the offenses. Left undisturbed is the present provision relating to the submission of exhibits to the jury.

Legitimate arguments can be made both favoring and opposing submitting to the jury copies of the accusatory instrument and the court's charge. On the one hand, there is the danger that the jury will place undue emphasis on written materials. *See People* v. *Owens*, 69 N.Y.2d at 590-591; *People* v. *Moore*, 71 N.Y.2d at 687-688. On the other hand, without the aid of these materials, it may be difficult for the jury properly to do its job, particularly in complex cases. This measure, therefore, would require the parties' consent to submission of the accusatory instrument or the court's charge because, at least in some cases, the jury's emphasis on these materials could unfairly prejudice one of the parties, particularly the defendant. Consent would not be required, however, to submission of a sheet stating the elements of the crimes charged and the defenses thereto, and the portions of the court's charge defining the elements of the crimes and defenses. Access to these materials would significantly aid the jury without any unfair prejudice to the parties.

Proposal

AN ACT

to amend the criminal procedure law, in relation to submission of written materials to the jury during deliberation

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 310.20 of the criminal procedure law is amended to read as follows:

§310.20. Jury deliberation; [use] *receipt* of exhibits and other material. [Upon] *At the discretion of the court, and after according the parties an opportunity to be heard upon* *the matter, the jury, upon* retiring to deliberate, [the jurors may take with them] *or during its deliberation, may receive*:

1. Any exhibits received in evidence at the trial [which the court, after according the parties an opportunity to be heard upon the matter, in its discretion permits them to take; and].

2. A written list prepared by the court containing the offenses submitted to the jury by the court in its charge and the possible verdicts thereon.

3. A written sheet prepared by the court, which may be made part of the list described in subdivision two, stating the elements of all the offenses submitted to the jury by the court in its charge and the defenses thereto. Such a sheet may be accompanied by a copy of those portions of the court's charge which define the elements of such offenses and defenses. Notwithstanding the provisions of subdivision five, the jury may receive a copy of the aforesaid portions of the court's charge without the consent of the parties. When more than one offense is submitted to the jury by the court in its charge, the jury may not receive a written sheet stating the elements of only one or some of those offenses and the defenses thereto, or a copy of the corresponding portions of the court's charge, unless the parties consent or unless the jury requests the court for further instruction or information with respect to only one or some of the offenses.

4. Upon consent of the parties, a copy of so much of the accusatory instrument as contains the counts submitted to the jury by the court in its charge.

5. Upon consent of the parties, a copy of any portion, or the entirety, of the court's charge to the jury.

6. Upon consent of the parties, and upon the request of the jury for further instruction with respect to a statute, a copy of the text of any statute.

§2. Section 310.30 of the criminal procedure law, as amended by chapter 208 of the laws of 1980, is amended to read as follows:

§310.30. Jury deliberation; request for *instruction or* information. At any time during its deliberation, the jury may request the court for further instruction or information with respect to the law, with respect to the content or substance of any trial evidence, or with respect to any other matter pertinent to the jury's consideration of the case. Upon such a request, the court must direct that the jury be returned to the courtroom and, after notice to both the people and counsel for the defendant, and in the presence of the defendant, must give such requested information or instruction as the court deems proper. [With the consent of the parties and upon the request of the jury for further instruction with respect to a statute, the court may also give to the jury copies of the text of any statute which, in its discretion, the court deems proper.]

§3. This act shall take effect 90 days after it shall have become law.

12. Establishment of Procedure to Obtain Warrant of Arrest (CPL 1.20, Article 120)

The Committee recommends that section 1.20 and Article 120 of the Criminal Procedure Law be amended to establish a procedure for obtaining a warrant of arrest prior to the formal commencement of a criminal action.

The United States Supreme Court has held that, absent exigent circumstances, an arrest warrant must be obtained before police may enter a suspect's home to make a "routine" felony arrest. *Payton* v. *New York*, 445 U.S. 573 (1980). Under existing New York law, an arrest warrant may not be issued until after an accusatory instrument commencing a criminal action is filed. CPL 120.10. This limitation causes difficulty when authority to arrest is needed and a court is unavailable for the filing of the accusatory instrument, or practical problems delay the preparation of the instrument itself. There also are circumstances under which probable cause to arrest an individual exists but further investigation is warranted before the prosecution can determine whether to commence a criminal action. Therefore, it is necessary to develop a mechanism whereby law enforcement officers possessing the statutory requirements to arrest without a warrant in a public place may obtain judicial authorization to arrest a person in his or her home before formal criminal proceedings are begun.

Our proposal would establish that mechanism by amending the existing arrest warrant provisions to permit an *ex parte* application to be made to the court for a warrant when a person may be arrested for a crime pursuant to section 140.10 of the Criminal Procedure Law and all other statutory requirements are met. The application provisions are patterned after those governing search warrants (*see* CPL 690.35), and the procedure to be followed after arrest remains as stated in section 140.20, with the additional requirement of a return of the warrant and a report to the court indicating the time and place of the arrest and subsequent steps taken.

The new procedure established by this measure will safeguard the rights of individuals suspected of criminal activity while permitting law enforcement officers to complete their investigation before commencing formal proceedings. It must be noted, however, that this measure also may have an impact upon the scope of other investigatory procedures that may be conducted before an action is commenced. *See, e.g., People* v. *Samuels*, 49 N.Y.2d 218 (1980) (defendant's right to counsel attaches when criminal action has commenced, and criminal action commences with filing of an accusatory instrument).

Proposal

AN ACT

to amend the criminal procedure law, in relation to warrant of arrest

The People of the State of New York, represented in

Senate and Assembly, do enact as follows:

Section 1. Subdivisions 28 and 29 of section 1.20 of the criminal procedure law are amended to read as follows:

28. ["Warrant] *(a) "Warrant of arrest" means a process of a criminal court, more fully defined in subdivisions three and four of section 120.10, directing a police officer to arrest a person.*

(b) "Local criminal court warrant of arrest" means a [process] *warrant of arrest* of a local criminal court [, more fully defined in section 120.10,] directing a police officer, *pursuant to article 120,* to arrest a defendant and to bring [him] *such defendant* before such court for the purposes of arraignment upon an accusatory instrument filed therewith by which a criminal action against [him] *such defendant* has been commenced.

[29.] *(c)* "Superior court warrant of arrest" means a [process] *warrant of arrest* of a superior court directing a police officer, *pursuant to subdivision three of section 210.10,* to arrest a defendant and to bring [him] *such defendant* before such court for the purpose of arraignment upon an indictment filed therewith by which a criminal action against [him] *such defendant* has been commenced.

§2. Sections 120.10, 120.20, 120.30 and 120.40 of the criminal procedure law, section 120.10 as amended by chapter 843 of the laws of 1980, section 120.40 as amended by chapter 324 of the laws of 1988, are amended to read as follows:

§120.10. Warrant of arrest; definition, function, form and content. 1. A *warrant of arrest is a process of a criminal court directing a police officer to arrest a person.*

2. A local criminal court warrant of arrest is a [process] *warrant of arrest* issued by a local criminal court directing a police officer or a peace officer appointed by the state university to arrest a defendant designated in an accusatory instrument filed with such court and to bring [him] *such defendant* before such court in connection with such instrument. The sole function of a *local criminal court* warrant of arrest is to achieve a defendant's court appearance in a criminal action for the purpose of arraignment upon the accusatory instrument by which such action was commenced.

[2.]*3.* A warrant of arrest must be subscribed by the issuing judge and must state or contain (a) the name of the issuing court, and (b) the date of issuance of the warrant, and (c) the name or title of an offense [charged in the underlying accusatory instrument] *for which the person is to be arrested,* and (d) the name of the [defendant] *person* to be arrested or, if such be unknown, any name or description by which he *or she* can be identified with reasonable certainty, and (e) the police officer or officers or peace officers appointed by the state university to whom the warrant is addressed, and (f) a direction that such officer arrest [the defendant] *such person,* and *(g) where the warrant of arrest is issued upon an accusatory instrument, a direction to* bring [him] *such person* before the issuing court.

[3.]*4.* A warrant of arrest may be addressed to *any police officer,* a classification of police officers, or to two or more classifications thereof, as well as to a designated individual police officer or officers, as well as to peace officers appointed by the state university. Multiple copies of such a warrant may be issued.

§120.20. Warrant of arrest; when issuable. 1. When a criminal action has been commenced in a local criminal court by the filing therewith of an accusatory instrument, other than a simplified [traffic] information, against a defendant who has not been arraigned upon such accusatory instrument and has not come under the control of the court with respect thereto, such court may, if such accusatory instrument is sufficient on its face, issue a *local criminal court* warrant *of arrest* for such defendant's arrest.

2. *(a) Where a person may be arrested for a crime pursuant to section 140.10, a police officer or a district attorney may apply to a criminal court for a warrant of arrest. Upon such application, if the criminal court is satisfied that an arrest of such person is authorized by section 140.10, the court may issue the warrant.*

(b) An ex parte application for such warrant must be submitted to a judge of a criminal court and it must be in writing, subscribed and sworn to by the applicant, or be made orally by the applicant, under oath, to the issuing judge and recorded verbatim. The application must contain:

(i) The name of the court, the name and title of the applicant, and the date of the application;

(ii) A statement that an arrest of a named person (or, if such be unknown, any name or description by which such person can be identified with reasonable certainty) for a specified crime is authorized by section 140.10;

(iii) Allegations of fact supporting such statement. Such allegations of fact may be based upon personal knowledge of the applicant or upon information and belief. The applicant may also submit depositions of other persons containing allegations of fact, based upon personal knowledge or upon information and belief, supporting or tending to support those contained in the application. Allegations based upon information and belief shall include the source of such information and the grounds of such belief; and

(iv) A request that the court issue the warrant.

3. Even though such accusatory instrument *or application, as the case may be,* is sufficient on its face, the court may refuse to issue a warrant of arrest based thereon until it has further satisfied itself, by inquiry or examination of witnesses, that there is reasonable cause to believe that the defendant committed an offense charged. Upon such inquiry or examination, the court may examine, under oath or otherwise, any available person whom it believes may possess knowledge concerning the subject matter of the charge.

[3.]*4.* Notwithstanding the provisions of subdivision one, if a summons may be issued in lieu of a *local criminal court* warrant of arrest pursuant to section 130.20, and if the court is satisfied that the defendant will respond thereto, it may not issue a *local criminal court* warrant of arrest.

§120.30. Warrant of arrest; by what courts issuable and in what courts returnable. 1. A *warrant of arrest may be issued by a criminal court with geographical jurisdiction of a crime specified in the application submitted to it pursuant to subdivision two of section 120.20.*

2. A local criminal court warrant of arrest may be issued only by the local criminal court with which the underlying accusatory instrument has been filed, and it may be made returnable in such issuing court only.

[2.]*3.* The particular local criminal court or courts with which any particular local criminal court accusatory instrument may be filed for the purpose of obtaining a *local criminal court* warrant of arrest are determined, generally, by the provisions of section 100.55. If, however, a particular accusatory instrument may pursuant to said section 100.55 be filed with a particular town court and such town court is not available at the time such instrument is sought to be filed and a warrant obtained, such accusatory instrument may be filed with the town court of any adjoining town of the same county. If such instrument may be filed pursuant to said section 100.55 with a particular village court and such village court is not available at the time, it may be filed with the town court of the town embracing such village, or if such town court is not available either, with the town court of any adjoining town of the same county.

§120.40. Warrant of arrest; attaching accusatory instrument to warrant of town court, village court or city court. A town court, village court or city court which issues a *local criminal court* warrant of arrest may attach thereto a duplicate copy of the underlying accusatory instrument. If one or more duplicate copies of the warrant are issued, such court may attach as many copies of such accusatory instrument to copies of such warrant as it chooses. In any case where, pursuant to subdivision five of section 120.90, a defendant arrested upon such a warrant of arrest is brought before a local criminal court other than the town court, village court or city court in which the warrant is returnable, a copy of the accusatory instrument constitutes a valid basis for arraignment as provided in subdivision one of section 170.15.

§3. Section 120.50 of the criminal procedure law is REPEALED.

§4. Section 120.90 of the criminal procedure law is amended by adding a new subdivision 8 to read as follows:

8. Notwithstanding the foregoing provisions of this section, the procedure following an arrest upon a warrant of arrest issued pursuant to subdivision two of section 120.20 shall be as provided in section 140.20. Further, within a reasonable time after the arrest of a person pursuant to such warrant, a police officer shall return the warrant to the issuing court and file with it a report of the time and place of the arrest and a report as to which of the procedures of section 140.20 were followed. The failure to file such report shall not be grounds for invalidating the arrest or the evidence derived from the arrest.

§5. This act shall take effect immediately.

REPEAL NOTE: - CPL 120.50 is repealed by this act since its provisions are included within subdivision three of CPL 120.10.

13. Elimination of Due Diligence Requirement in Speedy Trial Law when Defendant Fails to Appear (CPL 30.30)

The Committee recommends that subdivision 4(c) of section 30.30 of the Criminal Procedure Law be amended to make clear that when a defendant escapes from custody or fails to appear in court after being released on bail or recognizance, the period of time during which he or she is absent is excluded in computing the time within which the prosecution must be ready for trial, regardless of whether the prosecution has exercised due diligence in locating the defendant and returning him or her to court.

Many of the courts that have applied section 30.30(4)(c) have concluded that the time period between the issuance of a bench warrant resulting from a defendant escaping or jumping bail, and the defendant's subsequent appearance in court pursuant to the bench warrant (or voluntarily or otherwise), is not excludable from the time within which the prosecution must be ready for trial, unless the prosecution exercised due diligence in locating and apprehending the defendant during his or her absence. *See, e.g., People* v. *Jackson*, 150 A.D.2d 609 (2d Dept. 1989); *People* v. *Quiles*, N.Y.L.J., July 5, 1990, p. 29, col. 1 (Sup. Ct. Bronx Cty.); *People* v. *Gonzalez*, N.Y.L.J., March 16, 1989, p. 23, col. 3 (Sup. Ct. N.Y. Cty.); *People* v. *Gaston*, N.Y.L.J., March 22, 1988, p. 13, col. 3 (Sup. Ct. N.Y. Cty.); *People* v. *Tindal*, N.Y.L.J., August 9, 1988, p. 20, col. 2 (N.Y.C. Crim. Ct.); *People* v. *Richberg*, 125 Misc.2d 975 (N.Y.C. Crim. Ct. 1984).

The apparent requirement that the prosecution exercise due diligence in this context should be eliminated. Given the huge number of bench warrants outstanding in New York City alone — estimated at over 500,000 — insistence upon compliance with the due diligence standard in these cases is unrealistic and the cause of an enormous drain on limited police and prosecutorial resources. Moreover, a due diligence requirement in this situation effectively rewards defendants who voluntarily evade the court process. This is because if a defendant is absent from court for a sufficiently lengthy period of time, and the prosecution is unable to show that it exercised the requisite due diligence in locating the defendant, the defendant frequently will be able to avoid prosecution by arguing that he or she was not brought to trial within the statutorily prescribed period. Thus, the due diligence requirement serves to encourage defendants to flee the court's jurisdiction.

Accordingly, the Legislature should act to eliminate this illogical and excessively burdensome requirement. Under this measure, however, the prosecution would still be required to exercise due diligence in locating and apprehending a defendant against whom an accusatory instrument has been filed but who has never been arrested and arraigned thereon. In that situation, it makes sense to condition a toll of the speedy trial period upon the prosecution's exercise of due diligence in locating the defendant; it makes no sense to impose such a condition when a defendant is under the jurisdiction of the court and voluntarily chooses to flee.

Proposal

AN ACT

to amend the criminal procedure law, in relation to the period of time which must be excluded in computing the time within which the people must be ready for trial

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (c) of subdivision 4 of section 30.30 of the criminal procedure law, as amended by chapter 670 of the laws of 1984, is amended to read as follows:

(c) the period of delay resulting from the absence or unavailability or, where the defendant is absent or unavailable and has either escaped from custody or has previously been released on bail or on his *or her* own recognizance, the period extending from the day the court issues a bench warrant pursuant to section 530.70 because of the defendant's failure to appear in court when required, to the day the defendant subsequently appears in the court pursuant to a bench warrant or voluntarily or otherwise. A defendant must be considered absent whenever his *or her* location is unknown and he *or she* is attempting to avoid apprehension or prosecution, or his *or her* location cannot be determined by due diligence. A defendant must be considered unavailable whenever his *or her* location is known but his *or her* presence for trial cannot be obtained by due diligence. *Provided, however, that a defendant who has either escaped from custody or has previously been released on bail or on his or her own recognizance, and who has failed to appear in court when required, must be considered absent or unavailable regardless of whether his or her location cannot be determined, or presence for trial cannot be obtained, by due diligence*; or

§2. This act shall take effect immediately.

14. Bail or Recognizance for Cooperating Defendant Convicted of Class A-II Felony
(CPL 530.40)

The Committee recommends that subdivision three of section 530.40 of the Criminal Procedure Law be amended to allow a superior court to order bail or recognizance for a defendant who has been convicted of a class A-II felony if the defendant is providing, or has agreed to provide, material assistance pursuant to section 65.00(1)(b) of the Penal Law.

Section 530.40(3) of the Criminal Procedure Law precludes a superior court from ordering recognizance or bail after a defendant has been convicted of a class A felony. Although in most cases this reflects a sound policy, it may in some cases wholly undermine the incentive to cooperate in drug investigations that section 65.00(1)(b) of the Penal Law seeks to create for defendants charged with serious drug offenses. That section permits a court, in certain circumstances, to sentence to probation a defendant convicted of a class A-II or class B felony drug offense if the prosecutor recommends such a sentence and confirms that the defendant is providing, or has provided, material assistance to the authorities in a drug investigation. As one trial court recently pointed out, however, the mandatory incarceration requirement of section 530.40(3) effectively prevents a defendant who pleads guilty to a class A-II felony, but is eager to cooperate with the authorities in return for the more lenient sentence of probation permitted under section 65.00(1)(b), from actually providing that cooperation. Indeed, if a defendant is incarcerated, he or she will generally be unable to assist in a drug investigation. The court in that case, therefore, urged the Legislature to remedy the problematic inconsistency between these two statutes. *See People* v. *Dale D'Amigo*, N.Y.L.J., June 5, 1990, p. 26, col. 5 (Suffolk Cty. Ct).

This measure would eliminate that inconsistency by creating an exception to the mandatory incarceration rule of section 530.40(3) for a defendant who is convicted of a class A-II felony but who agrees to cooperate in a drug investigation. By doing so, if a defendant who pleaded guilty or was otherwise convicted of a Class A-II felony was cooperating, or agreed to cooperate, with the authorities in a drug investigation, the court could order bail or recognizance, and thereby enable the defendant to fulfill his or her commitment to cooperate. This would provide such defendants with a meaningful opportunity to benefit from the incentive provided them in section 65.00(1)(b), as well as afford law enforcement a more effective weapon in combating drug crimes.

Proposal

AN ACT

to amend the criminal procedure law, in relation to an order of recognizance or bail

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 3 of section 530.40 of the criminal procedure law is amended to read as follows:

3. Notwithstanding the provisions of subdivision two, a superior court may not order recognizance or bail, or permit a defendant to remain at liberty pursuant to an existing order, after he *or she* has been convicted of a class A felony, but must commit or remand the defendant to the custody of the sheriff*; provided, however, that a superior court may order recognizance or bail, or permit a defendant to remain at liberty pursuant to an existing order, after the defendant has been convicted of a class A-II felony, if the defendant is providing, or has agreed to provide, material assistance pursuant to paragraph (b) of subdivision one of section 65.00 of the penal law*.

§2. This act shall take effect immediately.

15. Selection and Discharge of Trial Jurors (CPL Articles 270 and 360)

The Committee recommends that the current procedure for selecting trial jurors in criminal cases, as prescribed in articles 270 and 340 of the Criminal Procedure Law, be amended to eliminate burdensome delays that frequently plague criminal trials and to ensure that those jurors who ultimately decide a case are fully prepared to do so.

Among the specific changes it proposes, this measure would eliminate current law's provision for selection of "alternate" jurors and "trial" jurors. It would substitute a system whereby a court, depending on its view of the anticipated length of the trial, would direct the selection of: (i) at least 12 and up to 18 jurors in felony cases; or (ii) at least 6 and up to 8 jurors in non-felony cases in which jury trials are required. No differentiation would be made at this point in the status or responsibilities of the jurors thereby selected. The number of peremptory challenges now provided for in the Criminal Procedure Law would not change.

Thereafter, following the evidentiary phase of the trial and the court's charge to the jury, the 12 jurors (or 6 in a non-felony case) who actually are to decide the case would be selected. The selection process would be a random one conducted by the clerk of the court in the presence of the court, the defendant, the defendant's attorney and the prosecutor. The non-deliberating jurors (*viz*., those who are not selected to deliberate the case) then are available to serve just as alternate jurors do now once deliberations have begun.

The virtues of this proposal are clear. Experience has shown that, under the current system, alternate jurors often do not devote the required attention unless and until they are actually substituted for a discharged juror. This has resulted in mistrials or, when alternate jurors do not concede their inability to deliberate intelligently, uninformed jury verdicts. Under the system proposed in this measure, however, until the clerk randomly selects the jurors after the close of the proof and the charge, none will know whether or not he or she actually will be among those who deliberate to decide the case. Thus all jurors will have a strong incentive to pay close attention to the trial proceedings and, ultimately, be better prepared to participate in deliberations.

The measure also would provide the trial court, once all the jurors were selected and sworn, with greater discretion to discharge a juror who fails to appear in court on time. Applying the provisions of current section 270.35 of the Criminal Procedure Law, appellate courts have made it increasingly difficult for trial courts to discharge jurors who are late or temporarily unavailable and whose absence may delay the trial for a few hours, a day or even longer. *See, e.g., People* v. *Watkins*, 157 A.D.2d 301, 308-10 (1st Dept. 1990); *People* v. *Celestin*, 150 A.D.2d 385, 385-86 (2d Dept. 1989); *see generally People* v. *Page*, 72 N.Y.2d 69 (1988). The result has been that trial courts usually feel constrained to adjourn the resumption of trials until the tardy or temporarily unavailable juror can return, thereby wasting valuable time and resources as well as frustrating all those subjected to ensuing delays. This measure would amend section 270.35 to give trial courts express authority to discharge a juror who fails to appear in court within a reasonable period of the time that the court has scheduled for the trial to resume.

We believe that, in the overall, this proposal would prove workable, and would promote economy and fairness. Similar procedures for selecting and discharging jurors exist in other states, including New Jersey and Michigan.

Proposal

AN ACT

to amend the criminal procedure law, in relation to formation of a jury

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 270.05 of the criminal procedure law is REPEALED.

§2. Section 270.10 of the criminal procedure law is amended to read as follows:

§270.10. Trial Jury; *formation in general;* challenge to the panel.

1. *The panel from which the jury is drawn is formed and selected as prescribed in the judiciary law.*

2. A challenge to the panel is an objection made to the entire panel of prospective trial jurors returned for the term and may be taken to such panel or to any additional panel that may be ordered by the court. Such a challenge may be made only by the defendant and only on the ground that there has been such a departure from the requirements of the judiciary law in the drawing or return of the panel as to result in substantial prejudice to the defendant.

[2.]*3.* A challenge to the panel must be made before the selection of the jury commences, and, if it is not, such challenge is deemed to have been waived. Such challenge must be made in writing setting forth the facts constituting the ground of challenge. If such facts are denied by the people, witnesses may be called and examined by either party. All issues of fact and law arising on the challenge must be tried and determined by the court. If a challenge to the panel is allowed, the court must discharge that panel and order another panel of prospective trial jurors returned for the term.

§3. Subdivisions 3 and 4 of section 270.15 of the criminal procedure law, subdivision 3 as amended by chapter 516 of the laws of 1985, are amended to read as follows:

3. The court may thereupon direct that the persons excluded be replaced in the jury box by an equal number from the panel or, in its discretion, direct that all sworn jurors be removed from the jury box and that the jury box be occupied by such additional number of persons from the panel as the court shall direct. Sworn jurors who are removed from the jury box as provided herein shall be seated elsewhere in the courtroom separate and apart from the unsworn members of the panel. Upon the consent of both parties, the presence of the sworn jurors in the courtroom during the remainder of jury selection may be waived in which case the sworn jurors may be removed to the jury room. The process of jury selection as prescribed herein shall continue until *at least* twelve persons *and as many as eighteen persons, as the court in its discretion and taking into consideration the anticipated length of the trial may direct*, are selected and sworn as trial jurors. [The juror whose name was first drawn and called must be designated by the court as the foreman, and no special oath need be administered to him.] If before [twelve] *the number of* jurors *the court has decided should be selected* are *all* sworn, a juror already sworn *for any reason fails to appear in court within a reasonable period of time from the time that the court has scheduled for the proceedings to resume or* becomes unable to serve by reason of illness or other physical incapacity *or for any other reason*, the court [must] *may* discharge him *or her* and the selection of the trial jury must be completed in the manner prescribed in this section.

4. A challenge for cause of a prospective juror which is not made before he *or she* is sworn as a trial juror shall be deemed to have been waived, except that such a challenge based upon a ground not known to the challenging party at that time may be made at any time before a witness is sworn at the trial. If such challenge is allowed by the court, the juror shall be discharged and the selection of the trial jury shall be completed in the manner prescribed in this section[, except that if alternate jurors have been sworn, the alternate juror whose name was first drawn and called shall take the place of the juror so discharged].

§4. Subdivision 2 of section 270.25 of the criminal procedure law is amended to read as follows:

2. Each party must be allowed the following number of peremptory challenges:

(a) [Twenty for the regular jurors if] *If* the highest crime charged is a class A felony, [and two for each alternate juror] *twenty if only twelve jurors are* to be selected.

(b) [Fifteen for the regular jurors if] *If* the highest crime charged is a class B or class C felony, [and two for each alternate juror] *fifteen if only twelve jurors are* to be selected.

(c) [Ten for the regular jurors in] *In* all other cases, [and two for each alternate juror] *ten if only twelve jurors are* to be selected.

The total number of peremptory challenges specified in paragraphs (a), (b) and (c) of this subdivision must be increased by two for each additional juror to be selected beyond the first twelve selected.

§5. Section 270.30 of the criminal procedure law, as amended by chapter 267 of the laws of 1979, is amended to read as follows:

§270.30. Trial jury; [alternate jurors] *selection of deliberating jurors.*

[Immediately after the last trial juror is sworn, the court may in its discretion direct the selection of one or more, but not more than four additional jurors to be known as "alternate jurors." Alternate jurors must be drawn in the same manner, must have the same qualifications, must be subject to the same examination and challenges for cause and must take the same oath as the regular jurors] *If more than twelve jurors were selected and sworn, and if at the conclusion of the court's charge more than twelve jurors remain on the jury, the clerk of the court, in the presence of the court, the defendant, the defendant's attorney and the prosecutor, shall randomly draw the names of twelve of the remaining jurors, and those twelve jurors shall retire to deliberate upon a verdict. The juror whose name was first drawn must be designated by the court as the foreperson, and no special oath need be administered to him or her.* After the [jury has] *deliberating jurors have* retired to deliberate, the court must either (1) with the consent of the defendant and the [people] *prosecutor*, discharge the [alternate] *remaining non-deliberating* jurors or (2) direct the [alternate] *remaining non-deliberating* jurors not to discuss the case and must further direct that they be kept separate and apart from the [regular] *deliberating* jurors.

§6. Section 270.35 of the criminal procedure law, as amended by chapter 77 of the laws of 1975, is amended to read as follows:

§270.35. Trial jury; discharge *and replacement* of juror[; replacement by alternate juror].

If at any time after the [trial] jury has been sworn and before the rendition of [its] *the* verdict, a juror is unable to continue serving by reason of illness or other incapacity, or for any other reason is unavailable for continued service, or *for any reason fails to appear in court within a reasonable period of time from the time that the court has scheduled for the trial to resume, the court may discharge such juror. If* the court finds, from facts unknown at the time of the selection of the jury, that a juror is grossly unqualified to serve in the case or has engaged in misconduct of a substantial nature, but not warranting the declaration of a mistrial, the court must discharge such juror. If [an alternate] *the deliberating jurors have retired to deliberate and a deliberating juror is discharged hereunder, and a non-deliberating* juror or jurors are available for service, the court, *upon the consent of the defendant,* must order that the discharged *deliberating* juror be replaced by [the alternate] *a non-deliberating* juror [whose name was first drawn and called, provided, however, that if the trial jury has begun its deliberations, the defendant must consent to such replacement]. Such consent must be in writing and must be signed by the defendant in person in open court in the presence of the court. *If more than one non-deliberating juror is available for service, the clerk of the court, in the presence of the court, the defendant, the defendant's attorney, and the prosecutor, shall randomly draw the name of the non-deliberating juror who will replace the discharged deliberating juror. The defendant may withhold consent to replacement of a deliberating juror by a non-deliberating juror when more than one non-deliberating juror is available for service until after the name of the non-deliberating juror is drawn and identified.* If no [alternate] *non-deliberating* juror is available, the court must declare a mistrial pursuant to subdivision three of section 280.10.

§7. Section 360.10 of the criminal procedure law, as amended by chapter 815 of the laws of 1971, is amended to read as follows:

§360.10. Trial jury; formation in general.

[1. A trial jury consists of six jurors, but "alternate jurors" may be selected and sworn pursuant to section 360.35.

2.] The panel from which the *trial* jury is drawn is formed and selected as prescribed in the uniform district court act, uniform city court act, and uniform justice court act. In the New York city criminal court the panel from which the jury is drawn is formed and selected in the same manner as is prescribed for the formation and selection of a panel in the supreme court in counties within cities having a population of one million or more.

§8. Section 360.20 of the criminal procedure law is amended to read as follows:

§360.20. Trial jury; examination of prospective jurors; challenges generally.

If no challenge to the panel is made as prescribed by section 360.15, or if such challenge is made and disallowed, the court must direct that the names of six members of the panel be drawn and called. Such persons must take their places in the jury box and must be immediately sworn to answer truthfully questions asked them relative to their qualifications to serve as jurors in the action. The procedural rules prescribed in section 270.15 with respect to the examination of the prospective jurors and to challenges are also applicable to the selection of a trial jury in a local criminal court, *except that in a local criminal court the process of jury selection as prescribed in section 270.15 shall continue until at least six persons and as many as eight persons, as the court in its discretion and taking into consideration the anticipated length of the trial may direct, are selected and sworn as trial jurors.*

§9. Subdivision 2 of section 360.30 of the criminal procedure law is amended to read as follows:

2. Each party must be allowed three peremptory challenges *if only six jurors are to be selected. The total number of peremptory challenges must be increased by one for each additional juror to be selected beyond the first six selected.* When two or more defendants are tried jointly, such challenges are not multiplied by the number of defendants, but such defendants are to be treated as a single party. In any such case, a peremptory challenge by one or more defendants must be allowed if a majority of the defendants join in such challenge. Otherwise, it must be disallowed.

§10. Section 360.35 of the criminal procedure law is amended to read as follows:

§360.35 Trial jury; [alternate juror]*; selection of deliberating jurors.*

1. [Immediately after the last trial juror is sworn, the court may in its discretion direct the selection of either one or two additional jurors to be known as "alternate jurors." The alternate jurors must be drawn in the same manner, must have the same qualifications, must be subject to the same examination and challenges for cause and must take the same oath as the regular jurors. Whether or not a party has used its peremptory challenge in the selection of the trial jury, one peremptory challenge is authorized in the selection of the alternate jurors.] *If more than six jurors were selected and sworn, and if at the conclusion of the court's charge more than six jurors remain on the jury, the clerk of the court, in the presence of the court, the defendant, the defendant's attorney and the prosecutor, shall randomly draw the names of six of the remaining jurors, and those six jurors shall retire to deliberate upon a verdict. The juror whose name was first drawn must be designated by the court as the foreperson, and no special oath need be administered to him or her.*

2. The provisions of section [270.35] *270.30* with respect to [alternate] *non-deliberating* jurors are also applicable to a trial jury in a local criminal court.

§11. The criminal procedure law is amended by adding a new section 360.37 to read as follows:

§360.37. Trial jury; discharge of juror; replacement of juror during deliberations.

The provisions of section 270.35 with respect to discharge of a sworn juror and replacement of a deliberating juror with a non-deliberating juror are applicable to a trial jury in a local criminal court.

§12. This act shall take effect 90 days after it shall have become law.

16. Motion to Dismiss Indictment for Failure to Notify Defendant of Right to Testify Before Grand Jury (CPL 210.20)

The Committee recommends that section 210.20(1)(c) of the Criminal Procedure Law be amended to provide that an order dismissing an indictment for failure to give the defendant notice of his or her right to testify before the grand jury shall be conditioned upon the defendant testifying before the grand jury to which the charges are to be submitted or resubmitted.

Section 190.50(5)(a) of the Criminal Procedure Law requires the district attorney to notify a defendant who has been arraigned in a local criminal court upon an undisposed felony complaint that a grand jury proceeding against the defendant is pending and to afford the defendant a reasonable time to exercise the right to testify before the grand jury. Paragraph (c) of subdivision five provides that any indictment obtained in violation of paragraph (a) is invalid and must be dismissed upon a motion pursuant to section 210.20. Three Appellate Divisions have construed the language of paragraph (c) as requiring dismissal of an indictment where the People fail to give the notice required by paragraph (a) and as precluding an order conditioning a dismissal upon the defendant appearing before a grand jury to which the charges are re-presented. *See Borrello* v. *Balbach*, 112 A.D.2d 1051 (2d Dept. 1985). *Accord People* v. *Massard*, 139 A.D.2d 927 (4th Dept. 1988); *People* v. *Bey-Allah*, 132 A.D.2d 76 (1st Dept. 1987).

In *Borrello* v. *Balbach*, the Second Department acknowledged that several lower courts had fashioned orders conditioning dismissal on the defendant exercising his or her right to testify before the grand jury. The Court, however, rejected this approach, saying:

> To dismiss the indictment outright, it is claimed, would merely encourage the insincere defendant to engage in gamesmanship to delay his prosecution. Such reasoning, however, overlooks the fact that the People may in the first instance avoid any gamesmanship by duly notifying the defendant of the date on which the charges will be presented to the Grand Jury. Moreover, the five-day time limitation for making a motion to dismiss contained in CPL 190.50(5)(c) adequately serves to separate those defendants who sincerely wish to testify before the Grand Jury from those with no such intention.
>
> Accordingly, we conclude that where a person is entitled to relief under CPL 190.50(5), the only proper remedy is outright dismissal of the indictment, in view of the mandatory language contained in paragraph (c) of that subdivision and the absence of any statutory basis for the expedient solution of a conditional dismissal.

112 A.D.2d at 1053 (citations omitted).

Notwithstanding these Appellate Division rulings, the lower courts have struggled to avoid the necessity of dismissing an indictment where the People have failed to give the notice required by section 190.50(5), if the defendant does not intend to take advantage of the right to testify when the case is represented to the grand jury. In *People* v. *Garcia*, N.Y.L.J., October 5, 1989, p. 23, col. 2 (Sup. Ct. N.Y. Co.), for example, the Court held that defendant's challenge to a conditional order of dismissal was barred by laches. The Court stated:

> While the Appellate Division, Second Department noted in *Borello, supra*, that it felt that there were sufficient statutory safeguards to prevent gamesmanship by insincere defendants serving grand jury notice, this court's practical experience has been to the contrary. Given the difficulties of both scheduling and rescheduling grand jury presentations and the cost in prosecutor, police and court time, a conditional dismissal is appropriate and just and should be authorized. The court commends an appropriate amendment to CPL 190.50 to the Legislature's attention.

See also People v. *Lynch*, 138 Misc. 2d 331, 336 (Sup. Ct. Kings Co. 1988) (converting motion to dismiss indictment based on failure to accord defendant the right to testify into motion to dismiss in interests of justice and denying motion on ground that dismissing indictment without defendant's agreeing to testify would serve no purpose); *People* v. *Salazar*, 136 Misc. 2d 992 (Sup. Ct. Bronx Co. 1987) (refusing to dismiss indictment where defendant did not intend to testify before a grand jury).

In accordance with the suggestion in *People* v. *Garcia*, this measure would amend section 210.20 to provide that an order dismissing an indictment for the People's failure to afford the defendant an opportunity to appear before the grand jury shall be conditioned upon the defendant exercising his or her right to testify before another grand jury to which the charges are to be submitted. Following the order, the prosecutor must provide the defendant with a reasonable opportunity to testify before the grand jury. If the defendant fails to do so, the court, upon the prosecutor's application, must vacate the order and reinstate the indictment. Such an amendment would protect the defendant's right to testify before the grand jury, but would avoid the burden of re-presenting cases to the grand jury where the defendant has no intention of invoking that right.

Proposal

AN ACT

to amend the criminal procedure law, in relation to motion to dismiss indictment for failure to notify defendant of right to testify before grand jury

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (c) of subdivision 1 of section 210.20 of the criminal procedure law is amended to read as follows:

(c) The grand jury proceeding was defective, within the meaning of section 210.35, *provided that where the defect is as set forth in subdivision four of that section, an order of dismissal entered pursuant to this subdivision shall be conditioned upon the defendant testifying before another grand jury to which the charge or charges are to be submitted. Following such an order, the prosecutor shall provide the defendant with a reasonable opportunity to testify before the grand jury. If the defendant fails to so testify, without a reasonable excuse therefor, the court, upon application of the prosecutor, shall vacate the order of dismissal and order the indictment reinstated*; or

§2. This act shall take effect 90 days after it shall have become a law.

17. Jury Consideration of Lesser Included Offenses (CPL 300.50)

The Committee recommends that section 300.50 of the Criminal Procedure Law be amended. Under this amendment, whenever the court submits two or more offenses in the alternative to the jury, and the jury communicates that it is unable to agree on a verdict as to the greatest offense, the court, if it concludes that such agreement is unlikely within a reasonable time, may instruct the jury that it may consider any lesser included offenses of that count. If the court chooses to give such instruction, however, it further must instruct the jury that if the defendant is convicted of a lesser included offense, he or she may not be retried on the greater offense.

Section 300.50 provides that when alternative offenses are submitted to the jury, the jury must be instructed that it may not render a verdict of guilty on both the greater and the lesser count. As noted in Professor Preiser's commentary, section 300.50 does not address the question of when the jury is permitted to consider the lesser count. N.Y. Crim. Proc. Law §300.50, Practice Commentary (McKinney Supp. 1988, p. 260).

In *People* v. *Boettcher*, 69 N.Y.2d 174 (1987), the Court of Appeals was presented with this question and concluded that the trial court properly charged the jury that it could not consider the lesser included offense until it had reached a unanimous verdict on the top count. Although the Court noted the existence of recent federal cases holding that defendant is entitled to an instruction permitting the jury to move on to a lesser offense if after reasonable efforts it is unable to reach a verdict on the greater, the Court was of the view that these cases "give insufficient weight to the principle that it is the duty of the jury not to reach compromise verdicts based on sympathy for the defendant or to appease holdouts, but to render a just verdict." 69 N.Y.2d at 183. The Court also distinguished these federal cases on the ground that, unlike section 300.50(4) of the Criminal Procedure Law, federal law does not automatically deem a conviction of a lesser offense an acquittal of the greater for double jeopardy purposes. 69 N.Y.2d at 182-183.

The Court of Appeals' ruling in *Boettcher* has had unfortunate consequences. In the highly publicized *People* v. *Robert Chambers* trial, the jury struggled in vain for nine days to reach a unanimous verdict on the top count and never even considered any of the lesser counts. As one of the jurors in that case described in a May 4, 1988 letter to the editor of the *New York Times*, the requirement that the jury reach a unanimous verdict on the top count before turning to any lesser counts was "the jury's albatross." The *Boettcher* rule harms the People, insofar as it increases the possibility of mistrial, and prejudices defendant by creating an often insurmountable obstacle to the jury's consideration of lesser included offenses.

This measure legislatively would supersede *Boettcher* by amending section 300.50 of the Criminal Procedure Law to permit the court, upon a communication from the jury that it is unable to agree on a verdict as to the greatest offense, to instruct the jury that it may consider lesser included offenses without reaching unanimity on the top count. The jury would be allowed to turn to such lesser offenses only if the court concludes that agreement on the highest charge is unlikely within a reasonable time. As a further precaution against compromise verdicts, the jury must be instructed that defendant's conviction of a lesser count will bar his or her retrial on the top count.

Proposal

AN ACT

to amend the criminal procedure law, in relation to jury consideration of lesser included offenses

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 5 of section 300.50 of the criminal procedure law, as added by chapter 481 of the laws of 1978, is renumbered subdivision 6 and a new subdivision 5 is added to read as follows:

5. Whenever the court submits two or more offenses in the alternative pursuant to this section, and the jury communicates to the court that it is unable to agree upon a verdict with respect to the greatest offense, and the court concludes that such agreement is unlikely within a reasonable time, the court may instruct that the jury may go on to consider lesser included offenses of that count. If the court so instructs the jury, it must also instruct the jury that if the defendant is convicted of any such lesser included offense, the defendant cannot be retried for the greatest offense.

§2. This act shall take effect 90 days after it shall have become a law.

18. Oral Pre-Trial Motions
(CPL 200.95, 210.43, 210.45, 225.20, 710.60)

The Committee recommends that provisions in the Criminal Procedure Law requiring that pre-trial motions be made in writing be amended to allow for oral pre-trial motions whenever the defendant and the prosecutor consent and the court agrees.

The Criminal Procedure Law now requires that pre-trial motions be made in writing. Although some pre-trial motions, such as speedy trial motions, may in some cases raise complicated factual or legal issues, the vast majority of pre-trial motions consist of routine, straightforward applications that are made in virtually every criminal action that survives the arraignment stage. Many attorneys, in fact, frequently file the same omnibus pre-trial motion, with only a few technical changes, in case after case. The current mandatory writing requirement thus results in a needless waste of paper and burdensome delay in criminal proceedings.

This measure would add a new subdivision 1-a to section 255.20 of the Criminal Procedure Law to allow for oral pre-trial motions if the defendant and the prosecutor consent and the court agrees. Even if initially agreeing that the motion could be made orally, the court would retain the authority to require written papers if they would aid the court in determining the motion. Conforming amendments are made to several other sections of the Criminal Procedure Law that now require that specific types of pre-trial motions be made in writing. *See* CPL 200.95(5), 210.43(3), 210.45, 710.60. These amendments, though removing language mandating written motions, would not change the current requirements that certain pre-trial motions, when made in writing, be supported by sworn factual allegations. *See* CPL 210.45, 710.60. Finally, the measure directs the Chief Administrator of the Courts to promulgate an appropriate form that courts must use when an oral pre-trial motion is made, to record the nature of the motion and any decision thereon. This safeguard will ensure that the issues raised in a pre-trial motion will be plainly discernible to the attorneys and courts involved in any appeal of the case.

Oral pre-trial motions are an easier and more efficient procedure for disposing of most pre-trial applications. Rather than require that these motions always be in writing, the law should encourage oral pre-trial motions whenever the parties and the court agree. By doing so, criminal actions will proceed more expeditiously.

Proposal

AN ACT

to amend the criminal procedure law, in relation to pre-trial motions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 5 of section 200.95 of the criminal procedure law is amended to read as follows:

5. Court ordered bill of particulars. Where a prosecutor has timely served a written refusal pursuant to subdivision four of this section and upon motion, [made] *either oral or* in writing, of a defendant, who has made a request for a bill of particulars and whose request has not been complied with in whole or in part, the court must, to the extent a protective order is not warranted, order the prosecutor to comply with the request if it is satisfied that the items of factual information requested are authorized to be included in a bill of particulars, and that such information is necessary to enable the defendant adequately to prepare or conduct his *or her* defense and, if the request was untimely, a finding of good cause for the delay. Where a prosecutor has not timely served a written refusal pursuant to subdivision four of this section the court must, unless it is satisfied that the people have shown good cause why such an order should not be issued, issue an order requiring the prosecutor to comply or providing for any other order authorized by subdivision one of section 240.70.

§2. Subdivision 3 of section 210.43 of the criminal procedure law, as added by chapter 411 of the laws of 1979, is amended to read as follows:

3. The procedure for bringing on a motion pursuant to subdivision one of this section[,] shall accord with the procedure prescribed in subdivisions one and two of section 210.45 of this article. After *the parties have been heard, if the motion is made orally, and after* all papers, *if any*, of both parties have been filed and after all documentary evidence, if any, has been submitted, the court must consider the same for the purpose of determining whether the motion is determinable [on the motion papers submitted] *thereon* and, if not, may make such inquiry as it deems necessary for the purpose of making a determination.

§3. Subdivisions 1, 2, 3, 4 and 5 of section 210.45 of the criminal procedure law are amended to read as follows:

1. [A] *If a* motion to dismiss an indictment pursuant to section 210.20 [must be made in writing and upon reasonable notice to the people. If the motion] is based upon the existence or occurrence of facts, the motion [papers] must

contain [sworn] allegations thereof, whether [by] *of* the defendant or [by] *of* another person or persons. [Such sworn] *If the motion is in writing, the* allegations *must be sworn, and* may be based upon personal knowledge of the affiant or upon information and belief, provided that in the latter event the affiant must state the sources of such information and the grounds of such belief. The defendant may further submit documentary evidence supporting or tending to support the allegations of the [moving papers] *motion*.

2. [The] *If the motion is made in writing, the* people may file with the court, and in such case must serve a copy thereof upon the defendant or his *or her* counsel, an answer denying or admitting any or all of the allegations of the moving papers, and may further submit documentary evidence refuting or tending to refute such allegations.

3. After *the parties have been heard, if the motion is made orally, and after* all papers, *if any,* of both parties have been filed, and after all documentary evidence, if any, has been submitted, the court must consider the same for the purpose of determining whether the motion is determinable without a hearing to resolve questions of fact.

4. The court must grant the motion without conducting a hearing if:

(a) The [moving papers allege] *motion alleges* a ground constituting legal basis for the motion pursuant to subdivision one of section 210.20; and

(b) Such ground, if based upon the existence or occurrence of facts, is supported by [sworn] allegations of all facts essential to support the motion; and

(c) The [sworn] allegations of fact essential to support the motion are either conceded by the people to be true or are conclusively substantiated by unquestionable documentary proof.

5. The court may deny the motion without conducting a hearing if:

(a) The [moving papers do] *motion does* not allege any ground constituting legal basis for the motion pursuant to subdivision one of section 210.20; or

(b) The motion is based upon the existence or occurrence of facts, and the [moving papers do not contain sworn] *defendant has not stated* allegations supporting all the essential facts; or

(c) An allegation of fact essential to support the motion is conclusively refuted by unquestionable documentary proof.

§4. Subdivisions 1 and 2 of section 255.20 of the criminal procedure law, subdivision one as amended by chapter 369 of the laws of 1982, are amended to read as follows:

1. Except as otherwise expressly provided by law, whether the defendant is represented by counsel or elects to proceed pro se, all pre-trial motions shall be *made or* served or filed within forty-five days after arraignment and before commencement of trial, or within such additional time as the court may fix upon application of the defendant made prior to entry of judgment. In an action in which an eavesdropping warrant and application have been furnished pursuant to section 700.70 or a notice of intention to introduce evidence has been served pursuant to section 710.30, such period shall be extended until forty-five days after the last date of such service. If the defendant is not represented by counsel and has requested an adjournment to obtain counsel or to have counsel assigned, such forty-five day period shall commence on the date counsel initially appears on defendant's behalf.

2. All pre-trial motions, *whether written* with supporting affidavits, affirmations, exhibits and memoranda of law, *or oral,* whenever practicable, shall be included within the same *application or* set of motion papers, and shall be *raised or* made returnable on the same date, unless the defendant shows that it would be prejudicial to the defense were a single judge to consider all the pre-trial motions. Where one motion seeks to provide the basis for making another motion, it shall be deemed impracticable to include both motions in the same set of motion papers *or oral application* pursuant to this subdivision.

§5. Section 255.20 of the criminal procedure law is amended by adding a new subdivision 1-a to read as follows:

1-a. Upon the consent of the defendant and the prosecutor, and upon the agreement of the court, any pre-trial motion may be made orally. However, the court may at any time thereafter require that such a motion be in writing if the court believes that written papers would assist in determining the motion. The chief administrator of the courts shall promulgate an appropriate form that courts throughout the state shall use when an oral pre-trial motion is made and upon which the court shall record the nature of such motion and the court's decision thereon.

§6. Subdivisions 1, 2, 3 and 5 of section 710.60 of the criminal procedure law, subdivision 3 as amended by chapter 776 of the laws of 1986, are amended to read as follows:

1. A motion to suppress evidence made before trial [must be in writing and upon reasonable notice to the people and with an opportunity to be heard. The motion papers] must state the ground or grounds of the motion and must contain [sworn] allegations of fact, whether of the defendant or of another person or persons, supporting such grounds. [Such] *If the motion is in writing, the* allegations *must be sworn, and* may be based upon personal knowledge of the deponent or upon information and belief, provided that in the latter event the sources of such information and the grounds of such belief are stated. [The] *If the motion is in writing, the* people may file with the court, and in such case must serve a copy thereof upon the defendant or his *or her* counsel, an answer denying or admitting any or all of the allegations of

the moving papers.

2. The court must summarily grant the motion if:

(a) The motion [papers comply] *complies* with the requirements of subdivision one and the people concede the truth of allegations of fact therein which support the motion; or

(b) The people stipulate that the evidence sought to be suppressed will not be offered in evidence in any criminal action or proceeding against the defendant.

3. The court may summarily deny the motion if:

(a) The motion [papers do] *does* not allege a ground constituting legal basis for the motion; or

(b) The [sworn] allegations of fact do not as a matter of law support the ground alleged; except that this paragraph does not apply where the motion is based upon the ground specified in subdivision three or six of section 710.20.

5. A motion to suppress evidence made during trial [may be in writing and may] *must* be litigated and determined [on the basis of motion papers] as provided in subdivisions one through four [, or it may, instead, be made orally in open court. In the latter event, the]. *The* court must, where necessary, also conduct a hearing as provided in subdivision four, out of the presence of the jury if any, and make findings of fact essential to the determination of the motion.

§7. This act shall take effect 90 days after it shall have become law.

19. Interim Supervision (CPL 390.30)

The Committee recommends that a new subdivision 6 be added to section 390.30 of the Criminal Procedure Law to authorize a court to adjourn a sentencing and place a defendant on interim supervision.

In *People* v. *Rodney E.*, 77 N.Y.2d 672 (1991), the Court of Appeals held that a sentencing court lacks the statutory authority to place a defendant, pending his or her sentence, on interim probation or supervision. This measure would provide that authority. It would permit the court, after consultation with the prosecutor and upon the consent of the defendant, to adjourn the sentencing to a specified date, which may not exceed one year from the date the conviction is entered. When ordering that the defendant be placed on interim supervision, the court would be required to impose all of the conditions relating to supervision that must be imposed when a defendant receives a sentence of probation or conditional discharge, *see* P.L. 65.15(3); and the court could impose any of the conditions relating to conduct and rehabilitation that may be imposed when a defendant receives such a sentence. *See* P.L. 65.15(2). The defendant's record of compliance with those conditions, and all other relevant information, would be included in the presentence report provided to the court at the time of sentencing.

Interim supervision would enable a sentencing court to make a more informed decision concerning whether a defendant, including a defendant eligible for youthful offender status, is a suitable candidate for probation. It would provide an opportunity to extend and enlarge the presentence investigation and to observe an actual demonstration of a defendant's conduct in the community. The additional time that would be provided to investigate and prepare the presentence report would result in a more thorough examination of the defendant's circumstances, which in turn would better enable the court to assess whether the defendant would benefit from a sentence other than incarceration. Although this measure undoubtedly would add some additional burden to probation agencies, it would certainly reduce incarceration costs and thus, overall, would have a beneficial fiscal impact.

Proposal

AN ACT

to amend the criminal procedure law, in relation to interim supervision

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 390.30 of the criminal procedure law is amended by adding a new subdivision 6 to read as follows:

6. Interim supervision. In any case where the court determines that a defendant is eligible for a sentence of probation, the court, after consultation with the prosecutor and upon the consent of the defendant, may adjourn the sentencing to a specified date and order that the defendant be placed on interim supervision. In no event may the sentencing be adjourned for a period exceeding one year from the date the conviction is entered. When ordering that the defendant be placed on interim supervision, the court shall impose all of the conditions relating to supervision specified in subdivision three of section 65.10 of the penal law and may impose any or all of the conditions relating to conduct and rehabilitation specified in subdivision two of section 65.10 of such law; provided, however, that the defendant must receive a written copy of any such conditions at the time he or she is placed on interim supervision. The defendant's record of compliance with such conditions, as well as any other relevant information, shall be included in the presentence report, or updated presentence report, prepared pursuant to this section, and the court must consider such record and information when pronouncing sentence.

§2. This act shall take effect 90 days after it shall have become law.

20. Service of Supporting Deposition in Traffic Case (CPL 100.25)

The Committee recommends that section 100.25(2) of the Criminal Procedure Law be amended to clarify that the period for serving a supporting deposition in a traffic offense case commences no earlier than the initial court appearance date specified in the accusatory instrument.

Section 100.25(2) entitles a defendant charged with a traffic offense to receive, upon the defendant's request of the court, a supporting deposition of the police officer specifying the factual basis for the charge. The statute further provides that the court must order the police officer to serve the deposition upon the defendant within 30 days of the date the court receives the request.

This provision has generated substantial confusion in the courts that process these cases. A court does not have jurisdiction over a case until an accusatory instrument is filed with the court. *See* CPL 1.20(17). Consequently, a court may not order a police officer to serve a supporting deposition until the officer files the traffic ticket (*i.e.*, the accusatory instrument) with the court. In many cases, however, the traffic ticket is not filed with the court until the initial court appearance date that the officer inscribed on the ticket when it was issued. The result is that in some cases the 30 day period may have substantially, or completely, elapsed before the court has jurisdiction of the case and may lawfully order the service of the deposition.

This measure seeks to resolve this nettlesome situation. Quite simply, the bill provides that the period for serving a supporting deposition commences no earlier than the initial court appearance date specified on the traffic ticket. In contrast to the current provision, this will provide clear notice of the commencement date of the period for serving a supporting deposition.

Proposal

AN ACT

to amend the criminal procedure law, in relation to serving a supporting deposition

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision two of section 100.25 of the criminal procedure law, as amended by chapter 431 of the laws of 1986, is amended to read as follows:

2. A defendant arraigned upon a simplified information is, upon a timely request, entitled as a matter of right to have filed with the court and served upon him *or her*, or if [he] *the defendant* is represented by an attorney, upon his *or her* attorney, a supporting deposition of the complainant police officer or public servant, containing allegations of fact, based either upon personal knowledge or upon information and belief, providing reasonable cause to believe that the defendant committed the offense or offenses charged. Such a request must be made before entry of a plea of guilty to the charge specified and before commencement of a trial thereon, but not later than thirty days after (a) entry of the defendant's plea of not guilty when he *or she* has been arraigned in person, or (b) written notice to the defendant of [his] *the* right to receive a supporting deposition when he *or she* has submitted a plea of not guilty by mail. Upon such a request, the court must order the complainant police officer or public servant to serve a copy of such supporting deposition upon the defendant or his *or her* attorney, within thirty days of the date such request is received by the court or at least five days before trial, whichever is earlier, and to file such supporting deposition with the court together with proof of service thereof*; provided, however, that the period for serving such supporting deposition shall commence no earlier than the initial court appearance date that is specified in the simplified information.*

§2. This act shall take effect 90 days after it shall have become a law.

21. Order Reducing or Dismissing Indictment (CPL 210.20)

The Committee recommends that section 210.20(6) of the Criminal Procedure Law be amended to clarify that when the prosecution accepts a court's order reducing an indictment, the indictment may be amended on its face. The Committee also recommends that this section be amended to provide that when the prosecution fails to exercise one of the options afforded it upon the entry of such an order, it must comply with the provisions of the section.

Chapter 209 of the Laws of 1990 created a new procedure whereby a court, upon motion of the defendant, may reduce a count or counts of an indictment, or dismiss an indictment and direct the filing of a prosecutor's information, when the evidence before the grand jury was not legally sufficient to establish the defendant's commission of the offense charged but was legally sufficient to establish the commission of a lesser included offense. The implementation of this new procedure has created problems in two respects. First, the statute is unclear whether an indictment may be amended on its face when a court orders that the indictment be reduced. Second, confusion arises when a court orders that an indictment be reduced, or orders that an indictment be dismissed and directs the filing of a prosecutor's information, but the prosecution fails to exercise one of its three options within the 30-day stay period following the order — *i.e.*, accept the court's order by filing a reduced indictment or by dismissing the indictment and filing a prosecutor's information, resubmit the subject count or counts to the grand jury, or appeal the order.

This measure would resolve these issues. The measure amends section 210.20(6)(a) to make clear that, following an order reducing an indictment, the indictment may be amended on its face. Allowing for the accusatory instrument to be amended on its face will avoid the additional paperwork, logistical problems and related delay that result from the need to prepare an entirely new instrument. Of course, the alternative of filing a new instrument, rather than amending the original one on its face, would still be available. In addition, the measure adds new language to section 210.20(6) providing that if the prosecution, after a court orders that an indictment be reduced or that an indictment be dismissed and a prosecutor's information be filed, fails to exercise one of the options afforded it by the statute, then the prosecution shall comply with the provisions of subdivision 6(a). In other words, in cases when the prosecution fails to exercise one of its options within 30 days of the court's order, the order takes effect and the prosecution has an affirmative obligation to amend the indictment on its face, file a reduced indictment, or dismiss the indictment and file a prosecutor's information, as appropriate.

Proposal

AN ACT

to amend the criminal procedure law, in relation to an order reducing or dismissing an indictment

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 6 of section 210.20 of the criminal procedure law, as added by chapter 209 of the laws of 1990, is amended to read as follows:

6. The effectiveness of an order reducing a count or counts of an indictment or dismissing an indictment and directing the filing of a prosecutor's information shall be stayed for thirty days following the entry of such order unless such stay is otherwise waived by the people. On or before the conclusion of such thirty-day period, the people shall exercise one of the following options:

(a) Accept the court's order [by filing a reduced], *whereupon the* indictment *shall be amended on its face or the people shall file a reduced indictment* or [by dismissing] *the people shall dismiss* the indictment and [filing] *file* a prosecutor's information, as appropriate *and in accordance with the court's order*;

(b) Re-submit the subject count or counts to the same or a different grand jury within thirty days of the entry of the order or such additional time as the court may permit upon a showing of good cause; provided, however, that if in such case an order is again entered with respect to such count or counts pursuant to subdivision one-a of this section, such count or counts may not again be submitted to a grand jury. Where the people exercise this option, the effectiveness of the order further shall be stayed pending a determination by the grand jury and the filing of a new indictment, if voted, charging the resubmitted count or counts;

(c) Appeal the order pursuant to subdivision one-a of section 450.20. Where the people exercise this option, the effectiveness of the order further shall be stayed in accordance with the provisions of subdivision two of section 460.40.

If the people fail to exercise one of the foregoing options, the court's order shall take effect and the people shall comply with paragraph (a) of this subdivision.

§2. This act shall take effect immediately.

22. Identification by Means of Previous Recognition (CPL 60.27)

The Committee recommends that a new section 60.27 be added to the Criminal Procedure Law to allow, in certain circumscribed situations, a third party to testify to a witness's pre-trial identification of the defendant when the witness is unwilling to identify the defendant in court because of fear.

The general common law rule is that the testimony of a third party, such as a police officer, to recount a witness's prior identification of the defendant is inadmissible. The Criminal Procedure Law currently recognizes an exception to this rule when the witness is unable on the basis of present recollection to identify the defendant in court. *See* CPL 60.25. That statutory exception does not, however, permit a third party to recount a witness's prior identification when the witness is unwilling to identify the defendant in court because of fear. *See People* v. *Bayron*, 66 N.Y.2d 77 (1985).

This measure would allow such testimony, but only if certain conditions were established. First, the witness must have identified the defendant prior to trial under circumstances consistent with the defendant's constitutional rights. Second, the prosecution must prove, by a preponderance of the evidence, that the witness is unwilling to identify the defendant in court because the witness, or a relative of the witness as that term is defined in CPL 530.11, received a threat of physical injury or substantial property damage to himself, herself or another. If these conditions were met, a third party would be permitted to testify to the witness's prior identification of the defendant.

By permitting the admission of such testimony in these circumstances, the measure would frustrate the efforts of those who seek to undermine the judicial process through intimidation and fear. Importantly, general and unsubstantiated fear on the part of the witness would not open the door to the admission of this testimony; only proof of an actual threat would suffice. Accordingly, this measure would promote the truth-seeking function of the trial without jeopardizing the defendant's right to a fair trial.

Proposal

AN ACT

to amend the criminal procedure law, in relation to identification by means of previous recognition

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The criminal procedure law is amended by adding a new section 60.27 to read as follows:

§60.27. Rules of evidence; identification by means of previous recognition, witness's unwillingness to make present identification because of threat.

1. In any criminal proceeding in which the defendant's commission of an offense is in issue, testimony as provided in subdivision two may be given when, at a hearing outside the presence of the jury:

> *(a) It is established that (i) a witness is unwilling to state at the proceeding whether or not the person claimed by the people to have committed the offense was observed by the witness at the time and place of the commission of the offense or upon some other occasion relevant to the case; and (ii) on an occasion subsequent to the offense, the witness observed, under circumstances consistent with such rights as an accused person may derive under the constitution of this state or of the United States, a person whom the witness recognized as the same person whom the witness had observed on the first or incriminating occasion; and (iii) the defendant is in fact the person whom the witness observed and recognized on the second occasion. That the defendant is the person whom the witness observed and recognized on the second occasion may be established by testimony of another person or persons to whom the witness promptly declared his or her recognition on such occasion; and*
>
> *(b) The people prove, by a preponderance of the evidence, that the witness is unwilling to state at the proceeding whether or not the person claimed by the people to have committed the offense was observed by the witness at the time and place of the offense, or upon some other occasion relevant to the offense, because the witness, or a member of the witness's family or household, as defined in section 530.11, received a threat of physical injury or substantial property damage to himself, herself or another.*

2. Under the circumstances prescribed in subdivision one, a person or persons to whom the witness promptly declared his or her recognition of the defendant on the second occasion may testify as to the witness's identification of the defendant on that occasion. Such testimony, together with the evidence that the defendant is in fact the person whom the witness observed and recognized on the second occasion, constitutes evidence in chief.

§2. This act shall take effect 90 days after it shall have become law.

III. New Measures

1. Deferral of Prosecution (CPL Article 740)

The Committee recommends that a new article 740 be added to the Criminal Procedure Law to permit a superior court, upon application by the defendant and with the consent of the prosecutor, to order that the prosecution of certain felony cases be deferred for a period of up to two years. At the end of the deferral period, if the case has not been restored to the calendar and resumed due to the defendant's violation of a condition of the deferral, the case would be dismissed in the furtherance of justice.

A number of jurisdictions, including California, Florida, Colorado, Arizona and the federal courts, permit deferral of prosecution in certain felony cases. Although the specific procedures under which these jurisdictions defer felony prosecutions may vary, the policies supporting deferral are the same. First, deferred prosecution provides certain defendants, usually those with no prior felony convictions who are charged with a nonviolent felony, with the opportunity to demonstrate that their unlawful behavior was aberrational and should not result in their being permanently tainted as convicted felons. Second, by postponing, and ultimately avoiding in most of the cases, the necessity for a trial and other protracted court proceedings, deferred prosecution enables prosecutorial and judicial resources to concentrate on those cases involving more serious allegations of wrongdoing.

This measure would promote these salutary policies. It would create a new article 740 of the Criminal Procedure Law to permit a superior court, upon application by the defendant and with the consent of the prosecutor, to defer prosecution of a criminal action for a period of time not to exceed two years. Under the proposed section 740.10, deferral would not be permitted if the defendant had a previous felony conviction, previously had a criminal case deferred, or is charged with a violent felony offense, a felony sex offense or a felony weapon offense. However, deferral would be permitted even in the aforesaid cases if the court, upon evaluation of the defendant's character and the nature and circumstances of the crime charged, determined that deferral was appropriate. In addition to the important protection of requiring the prosecutor's consent, the prosecutor may also insist that the defendant plead guilty, or express an acknowledgement of guilt, of one or more of the charges or one or more lesser included offenses of the charges. The measure further requires the defendant to waive the right to a speedy trial during the period of deferral.

The measure would also permit the court to impose any reasonable conditions on the defendant during the period of deferral. If one of the conditions requires supervision of the defendant, the court may order that such supervision be undertaken by a probation agency or by a designated private agency. It is intended that courts would make extensive use of private agencies to supervise defendants whose prosecutions are deferred, so that any additional burdens on already overwhelmed probation agencies would be minimized.

The court would retain full jurisdiction over the case during the period of deferral, and could order the defendant to appear before it at any time. Under proposed section 740.40, if the court had reasonable grounds to believe that the defendant violated a condition of the deferral, the court could issue a bench warrant directing that the defendant be taken into custody and brought before the court. In determining whether the defendant violated a condition, the court would not be required to conduct a formal hearing but the defendant would be afforded an opportunity to be heard. Upon a determination that the defendant violated a condition, the court would be authorized to terminate the deferral and restore the criminal case to the calendar and resume the prosecution or, if the defendant previously entered a guilty plea, proceed to sentencing. A court's decision to restore a case to the calendar (as well as a court's refusal in the first instance to order deferral) would not be reviewable on appeal.

Under proposed section 740.50, if at the end of the period of deferral the case has not been restored to the calendar, the defendant's plea, if any, shall be deemed to have been vacated and the accusatory instrument shall be deemed to have been dismissed in the furtherance of justice. The sealing provisions of CPL §160.50 would apply to such a dismissal.

If administered pursuant to the strict procedures set forth in this measure, deferral of prosecution, in appropriate cases, could significantly benefit courts, prosecutors and defendants. New York should follow the lead of other comparable jurisdictions and enact a statutory scheme permitting this useful procedure.

Proposal

AN ACT

to amend the criminal procedure law, in relation to deferral of prosecution in certain felony cases

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 4 of section 30.30 of the criminal procedure law is amended by adding a new paragraph (i) to read as follows:

(i) the period during which the prosecution is deferred pursuant to article 740 of this chapter.

§2. Subdivision three of section 160.50 of the criminal procedure law is amended by adding a new paragraph (m) to read as follows:

(m) An action is dismissed pursuant to article 740 of this chapter.

§3. The criminal procedure law is amended by adding a new article 740 to read as follows:

ARTICLE 740

DEFERRAL OF PROSECUTION

§740.10. Deferral of prosecution; eligible defendants.

§740.20. Deferral of prosecution; procedure for deferral.

§740.30. Refusal to order deferral not reviewable on appeal; court retains legal custody of defendant.

§740.40. Termination of deferral; restoration of criminal action.

§740.50. Dismissal of action; effect thereof; records.

§740.10. Deferral of prosecution; eligible defendants.

1. Upon application by the defendant and with the consent of the prosecutor and the agreement of the court, prosecution of a criminal action may be deferred pursuant to section 740.20 unless the defendant has previously been convicted of a felony, has previously had a prosecution of a criminal action against him or her deferred, or is charged in the present action with (i) a class A felony offense as defined in the penal law, (ii) a violent felony offense as defined in section 70.02 of the penal law, (iii) any felony offense defined in article 130 of the penal law, or (iv) any felony offense defined in article 265 of the penal law.

2. Notwithstanding the provisions of subdivision one, upon application by the defendant and with the consent of the prosecutor, prosecution of a criminal action may be deferred pursuant to section 740.20 regardless of the defendant's prior criminal history or the crime or crimes with which the defendant is charged if the court, having regard to the nature and circumstances of the crime or crimes charged and to the character of the defendant, is of the opinion that deferral of prosecution is appropriate.

§740.20. Deferral of prosecution; procedure for deferral.

1. After arraignment in a local criminal court upon a felony complaint, or at or after arraignment in a superior court upon an indictment or superior court information, and before final disposition thereof, a superior court, upon application by the defendant and with the consent of the prosecutor, may order that the prosecution of the criminal action be deferred for a specific period of time not to exceed two years.

2. As a condition of the prosecutor's consent, the prosecutor may demand that the defendant enter a plea of guilty, or express an acknowledgment of guilt, of one or more of the offenses charged or of one or more lesser *included offenses thereof.*

3. At the time the deferral is ordered, the defendant must waive, either orally or in writing, his or her right to a speedy trial of the charges during the period of deferral.

4. Upon ordering the deferral, the court may impose any reasonable conditions upon the defendant during the period of deferral, including but not limited to any of the conditions specified in section 65.10 of the penal law relating to supervision or conduct and rehabilitation in connection with a sentence of probation or conditional discharge. The defendant must receive a written copy of such conditions at the time the deferral is ordered. If the court imposes a condition that requires supervision of the defendant, the court may order that such supervision shall be the responsibility of the probation department serving the court or the responsibility of a designated private agency.

§740.30. Refusal to order deferral or order of court restoring criminal action not reviewable on appeal; court retains legal custody of defendant.

1. A refusal of the court to order deferral of the prosecution of a criminal action or an order of the court pursuant to section 740.40 restoring a criminal action shall not be reviewable on appeal.

2. During the period of deferral, the court shall retain custody of the defendant and may, at any time, order that the defendant appear before it. Failure to appear as ordered without reasonable cause therefor shall constitute a violation of the conditions of the deferral irrespective of whether such requirement is specified as a condition thereof.

§740.40. Procedure for termination of deferral; restoration of criminal action.

1. If at any time during the period of deferral the court has reasonable grounds to believe that the defendant has violated a condition of the deferral or has failed to appear before the court after being ordered to do so, the court may issue a bench warrant to a police officer or to an appropriate peace officer directing that the defendant be taken into custody and brought before the court.

2. In determining whether the defendant violated a condition of the deferral, a hearing shall not be required but the defendant shall have an opportunity to be heard. If the court thereafter determines that the defendant has violated a condition of the deferral, the court may terminate the deferral of the prosecution and order that the criminal action against the defendant be restored to the calendar and resumed or, if the defendant has previously entered a plea of guilty, the court may terminate the deferral and fix a date for pronouncing sentence.

§740.50. Dismissal of action; effect thereof; records.

If at the end of the period of deferral the criminal action has not been restored to the calendar, the defendant's guilty plea, if any, shall be deemed to have been vacated and the accusatory instrument shall be deemed to have been dismissed by the court in the furtherance of justice. Upon dismissal of an action, the arrest and prosecution shall be deemed a nullity, and the defendant shall be restored to the status he or she occupied before the arrest and prosecution. All papers and records relating to an action that has been dismissed pursuant to this section shall be subject to the sealing provisions of section 160.50 of this chapter.

§4. This act shall take effect 90 days after it shall have become law.

2. Appearance of Defendant Before Grand Jury (CPL 190.51)

The Committee recommends that a new section 190.51 be added to the Criminal Procedure Law to address the problem that arises when a defendant in custody requests an opportunity to testify before the grand jury but is not produced for such testimony and the CPL 180.80 time period is about to elapse.

In *People* v. *Evans*, 79 N.Y.2d 407 (1992), the defendants, all in custody, served notice under CPL 190.50(5)(a) that they intended to exercise their right to testify before the grand jury. Their appearances before the grand jury were scheduled for the last day of the CPL 180.80 period (section 180.80 generally requires that, absent "compelling" circumstances, a defendant against whom a felony complaint has been filed must be released from custody if the grand jury has not voted to indict within a specified time period). However, when the New York City Department of Correction failed to produce the defendants on that date, the prosecutor obtained indictments in order to avoid the consequences of section 180.80. Rather than file the indictments, the prosecutor offered to reopen the grand jury proceedings and allow the defendants to testify before the same grand jury that had already indicted them. The defendants declined this offer, and after the indictments finally were filed, they successfully moved to dismiss them.

The Court of Appeals affirmed the dismissals of the indictments, rejecting the People's argument that section 190.50(5) merely affords a defendant the opportunity to testify before the grand jury at any time prior to the filing of the indictment. Construing the language of that section in light of the legislative intent, the Court held that the statute requires defendants who give "timely notice reasonably prior to the prosecution's presentment of evidence and prior to the Grand Jury vote on an indictment are entitled to testify before the vote." 79 N.Y.2d at 413. In support of its holding, the Court noted that the opportunity to testify before the grand jury vote is "qualitatively different" from the opportunity to testify at a reopened presentment after the grand jury has voted to indict. 79 N.Y.2d at 414.

The *Evans* decision, though undeniably correct in its interpretation of the statutory scheme, may lead to results that the Legislature surely could not have desired when enacting these provisions. Under *Evans*, if an overburdened local correctional agency or sheriff's office mistakenly fails to deliver a defendant for a previously scheduled appearance before the grand jury, and the section 180.80 time period expires, the court apparently must order the defendant's release from custody, regardless of the nature of the charges and the potential risks involved.

This measure seeks to minimize this undesirable and potentially dangerous result. It would add a new section 190.51 to the Criminal Procedure Law, permitting the District Attorney, whenever a defendant in custody serves notice of intent to testify before the grand jury and has not withdrawn the notice within 24 hours of arraignment, to file a statement on or before the time the defendant is to be released under section 180.80. The statement would certify that (1) the District Attorney's presentation of evidence to the grand jury has been completed, and (2) the defendant has not testified before the grand jury due to circumstances "beyond the district attorney's control." Such circumstances include, but would not be limited to, the failure of the local corrections agency to deliver the defendant for the testimony, the unavailability of the defense attorney, or delay due to the defendant's request or action or occurring with the defendant's consent. If the District Attorney files this statement, the section 180.80 release period will be extended by 48 hours, excluding a Saturday, Sunday or legal holiday, to allow the defendant an opportunity to testify. (It is intended that the court could, if it chose to do so, require the District Attorney to adduce proof in support of any allegations in the statement). If the defendant still has not testified at the expiration of this extended period, the court must release the defendant on his or her own recognizance, unless the failure to testify resulted from the defense attorney's unavailability or from the defendant's request, action or condition or occurred with the defendant's consent.

Proposal

AN ACT

to amend the criminal procedure law, in relation to appearance of defendant before grand jury

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The criminal procedure law is amended by adding a new section 190.51 to read as follows:

§190.51. Grand jury; defendant as witness. If a defendant in custody has served notice pursuant to paragraph (a) of subdivision 5 of section 190.50 and has not withdrawn such notice within twenty-four hours of arraignment, the district attorney, at or prior to the time the defendant is required to be released pursuant to section 180.80, may file with the court a written certification that (1) the district attorney's presentation of evidence to the grand jury has been completed, and (2) the defendant has not testified before the grand jury due to circumstances beyond the district attorney's control, including, without limitation, the failure of the sheriff to produce the defendant to testify before the grand jury, the unavailability of the defendant's attorney, and any delay due to the defendant's request, action or condition or occurring with the defendant's consent. Upon the filing of such certification, the time at which the defendant's release otherwise would be required under section 180.80 shall be extended by forty-eight hours (excluding a Saturday, Sunday or legal holiday that may occur during such period) to allow the defendant to testify before the grand jury. If, at the expiration of such forty-eight hour period, the defendant has not testified before the grand jury, the local criminal court must release the defendant on his or her own recognizance unless the defendant's failure to testify resulted from the unavailability of the defendant's attorney or is due to the defendant's request, action or condition or occurs with the defendant's consent.

§2. This act shall take effect immediately.

3. Plea of Guilty to Lesser Included Offense by Terminally Ill Defendant (CPL 220.10)

The Committee recommends that section 220.10(5) of the Criminal Procedure Law be amended to permit a terminally ill defendant to plead guilty, notwithstanding the limitations otherwise specified in that section, to any lesser included offense (or offenses) of the offense (or offenses) charged.

Section 220.10(5) of the Criminal Procedure Law prescribes detailed limitations on the extent to which defendants may plead guilty to lesser included offenses of the charges for which they have been indicted. These limitations, although generally sound in ordinary cases, have had a particularly deleterious impact on court administration in a steadily growing number of cases — *i.e.*, cases in which the defendants are terminally ill with AIDS. Because of the section 220.10(5) limitations, the least serious offense to which many of these defendants may plead guilty often carries with it a minimum, mandatory prison sentence that is longer than their life expectancy. Thus, without regard to the evidence against them, these defendants virtually always insist on a trial, because they realize that they essentially have nothing to lose by going to trial. The result is that the courts are forced to try a significant number of cases that might otherwise be disposed of prior to trial.

To be sure, the courts could dismiss some of these cases in furtherance of justice. *See* CPL §210.40. Courts are often reluctant to do so, however, particularly when prosecutors and victims object. The better approach in many cases would be to permit these defendants to plead guilty to an offense that would not require a prison sentence longer than their life expectancy. This measure, by eliminating the section 220.10 plea limitations in cases involving terminally ill defendants, would achieve that result. Importantly, the bill would require a judicial determination that (1) the terminal illness has so incapacitated the defendant as to create a reasonable probability that he or she is physically incapable of presenting any danger to society, and (2) based on the factors specified in CPL §210.40, permitting entry of the plea would be in the interest of justice. Moreover, unlike a section 210.40 interest of justice dismissal, the prosecutor's consent would be required.

Proposal

AN ACT

to amend the criminal procedure law, in relation to entry of a plea of guilty

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 5 of section 220.10 of the criminal procedure law is amended by adding a new paragraph (h) to read as follows:

(h) Notwithstanding the other provisions of this subdivision, the defendant may enter a plea of guilty of one or more lesser included offenses with respect to any or all of the offenses charged, provided that the prosecutor consents and the court agrees after determining that:

(i) the defendant is suffering from a terminal condition, disease or syndrome and, as a result, is, and is likely to remain, so debilitated or incapacitated as to create a reasonable probability that he or she is physically incapable of presenting any danger to society; and

(ii) upon consideration of the factors specified in subdivision one of section 210.40, permitting entry of such a plea of guilty would be in the interest of justice.

§2. This act shall take effect immediately.

4. Inclusion of Weapon Offenses Within List of Offenses for which a Person May Be Prosecuted as a Juvenile Offender (CPL 1.20, CPL 190.71, PL 10.00, PL 30.00)

The Committee recommends that the Criminal Procedure Law and the Penal Law be amended to include certain felony weapon offenses within the group of offenses for which 14 and 15 year old "juvenile offenders" may be prosecuted in criminal courts.

The possession and use of firearms among juveniles have proliferated in recent years. From 1988 to 1991, the number of youths referred to the New York City Family Court on charges of possessing loaded guns more than tripled. Arguments that at one time were settled with fists or possibly knives now are resolved with guns. Indeed, homicide by firearm has become the leading cause of death for teenage blacks and the third leading cause of death for teenage whites. To make matters worse, juveniles increasingly are carrying and using these weapons in public places and in previously safe locations such as schools.

This measure would amend current juvenile offender provisions so that they accurately reflect a steadily worsening situation that did not exist when the juvenile offender law originally was enacted in 1978. It would amend sections 1.20(42) and 190.71(a) of the Criminal Procedure law and sections 10.00(18) and 30.00(2) of the Penal Law to add seven felony weapon offenses to the current group of offenses for which a 14 or 15 year old may be "criminally responsible" and thus prosecuted in a criminal court. These offenses include: criminal possession of a dangerous weapon in the first degree (PL 265.04); criminal possession of a weapon in the second degree (PL 265.03); criminal possession of a weapon in the third degree (PL 265.02(4),(5)); criminal use of a firearm in the first degree (PL 265.09); criminal use of a firearm in the second degree (PL 265.08); criminal sale of a firearm in the first degree (PL 265.13); and criminal sale of a firearm in the second degree (PL 265.12).

Clearly, the current laws have not deterred increasing numbers of juveniles from possessing and using firearms, with the results being destructive to themselves and to society. By permitting the prosecution in criminal courts of 14 and 15 year olds who possess and use firearms, this measure will convey a stronger message that the pernicious consequences resulting from the presence of illegal firearms in our communities will not be tolerated. Of course, even if this measure were enacted, juvenile weapon offense cases could still be initiated in Family Court; and, even if charges initially were brought in a criminal court, juvenile offender actions could still be removed to Family Court (*see* CPL 180.75, 190.71, 210.43, 220.10, 310.85, 330.25, Article 725). However, the grave nature and the pervasiveness of this problem necessitate that prosecution of these juvenile weapon offenders in criminal courts be an option.

Proposal

AN ACT

to amend the criminal procedure law and the penal law, in relation to definition of juvenile offender

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 42 of section 1.20 of the criminal procedure law, as amended by chapter 335 of the laws of 1981, is amended to read as follows:

42. "Juvenile offender" means (1) a person, thirteen years old who is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 of the penal law and (2) a person fourteen or fifteen years old who is criminally responsible for acts constituting the crimes defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree);

subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (sodomy in the first degree); 130.70 (aggravated sexual abuse); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree) [or]*;* subdivision two of section 160.10 (robbery in the second degree)*; subdivisions four and five of section 265.02 (criminal possession of a weapon in the third degree); 265.03 (criminal possession of a weapon in the second degree); 265.04 (criminal possession of a dangerous weapon in the first degree); 265.08 (criminal use of a firearm in the second degree); 265.09 (criminal use of a firearm in the first degree); 265.12 (criminal sale of a firearm in the second degree); or 265.13 (criminal sale of a firearm in the first degree)* of the penal law; or defined in the penal law as an attempt to commit murder in the second degree or kidnapping in the first degree.

§2. Paragraph (a) of section 190.71 of the criminal procedure law, as amended by chapter 335 of the laws of 1981, is amended to read as follows:

(a) Except as provided in subdivision six of section 200.20 of this chapter, a grand jury may not indict (i) a person thirteen years of age for any conduct or crime other than conduct constituting a crime defined in subdivisions one and two of section 125.25 (murder in the second degree); (ii) a person fourteen or fifteen years of age for any conduct or crime other than conduct constituting a crime defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (sodomy in the first degree); 130.70 (aggravated sexual abuse); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); [or] subdivision two of section 160.10 (robbery in the second degree)*; subdivisions four and five of section 265.02 (criminal possession of a weapon in the third degree); 265.03 (criminal possession of a weapon in the second degree); 265.04 (criminal possession of a dangerous weapon in the first degree); 265.08 (criminal use of a firearm in the second degree); 265.09 (criminal use of a firearm in the first degree); 265.12 (criminal sale of a firearm in the second degree); or 265.13 (criminal sale of a firearm in the first degree)* of the penal law; or defined in the penal law as an attempt to commit murder in the second degree or kidnapping in the first degree.

§3. Subdivision 18 of section 10.00 of the penal law, as amended by chapter 335 of the laws of 1981, is amended to read as follows:

18. "Juvenile offender" means (1) a person thirteen years old who is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 of this chapter; and (2) a person fourteen or fifteen years old who is criminally responsible for acts constituting the crimes defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (sodomy in the first degree); 130.70 (aggravated sexual abuse); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); [or] subdivision two of section 160.10 (robbery in the second degree)*; subdivisions four and five of section 265.02 (criminal possession of a weapon in the third degree); 265.03 (criminal possession of a weapon in the second degree); 265.04 (criminal possession of a dangerous weapon in the first degree); 265.08 (criminal use of a firearm in the second degree); 265.09 (criminal use of a firearm in the first degree); 265.12 (criminal sale of a firearm in the second degree); or 265.13 (criminal sale of a firearm in the first degree)* of this chapter; or defined in this chapter as an attempt to commit murder in the second degree or kidnapping in the first degree.

§4. Subdivision two of section 30.00 of the penal law, as amended by chapter 335 of the laws of 1981, is amended to read as follows:

2. A person thirteen, fourteen or fifteen years of age is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; and a person fourteen or fifteen years of age is criminally responsible for acts constituting the crimes defined in section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 (rape in the first degree); subdivisions one and two of section 130.50 (sodomy in the first degree); 130.70 (aggravated sexual abuse); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree) [or]*;* subdivision two of section 160.10 (robbery in the second degree)*; subdivisions four and five of section 265.02 (criminal possession of a weapon in the third degree); 265.03 (criminal possession of a weapon in the second degree); 265.04 (criminal possession of a dangerous weapon in the first degree); 265.08 (criminal use of a firearm in the second degree); 265.09 (criminal use of a firearm in the first degree); 265.12 (criminal sale of a firearm in the*

second degree); or 265.13 (criminal sale of a firearm in the first degree) of this chapter; or defined in this chapter as an attempt to commit murder in the second degree or kidnapping in the first degree.

§5. This act shall take effect 60 days after it shall have become a law and shall apply to acts or omissions occurring on or after such date.

IV. Pending and Future Matters

1. The Committee has initiated negotiations among key prosecutors, defense attorneys, legislative staff and representatives of the Governor's staff in an effort to achieve significant reform of current criminal discovery practice. The initial negotiations have focused on resolving differences between the Committee's discovery bill and a bill that has been drafted by the Governor's staff.

2. The Committee expects to examine the recent Court of Appeals decisions involving a defendant's right to be present at particular stages of a criminal trial, *see, e.g., People* v. *Mitchell*, 80 N.Y.2d 519 (1992); *People* v. *Antommarchi*; 80 N.Y.2d 247 (1992), and evaluate whether there is a need for legislation in this area.

3. In light of the recent decision in *People* v. *Tran*, 80 N.Y.2d 170 (1992), the Committee is considering whether to revive a bill that it had proposed in prior years. The bill, *inter alia*, would amend current "public servant" bribery provisions by replacing the "agreement or understanding" element with the requirement that the bribe be offered with the intent to influence the public servant's action.

V. Conclusion

The Committee will continue to meet regularly to study and discuss all significant proposals affecting criminal law and procedure. We express our gratitude to the Chief Administrator and the Judicial Conference for their support in achieving our shared objective of improving the criminal law.

Respectfully submitted,

Hon. Leslie C. Snyder, Chair
Robert M. Baum, Esq.
Paul J. Cambria, Jr., Esq.
Hon. John P. Collins
Hon. D. Bruce Crew, III
Hon. Thomas A. Demakos
James F. Downs, Esq.
Hon. Vincent E. Doyle
Anthony J. Girese, Esq.
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Prof. William E. Hellerstein
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Francis B. Looney, Esq.
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Hon. James E. Morris
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Prof. Peter Preiser
Hon. Burton B. Roberts
Hon. Seymour Rotker
Hon. Rose H. Sconiers
Hon. Megan Tallmer
Patrick M. Wall, Esq.
Hon. Renee A. White

Lawrence K. Marks, Esq.
Counsel

1993 Report
of the
Family Court Advisory and Rules Committee
to the
Chief Administrator of the Courts
of the
State of New York

December 1992

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I. Introduction

The Family Court Advisory and Rules Committee is one of the standing advisory committees established by the Chief Administrator of the Courts pursuant to section 212(1)(q) of the Judiciary Law and section 212(b) of the Family Court Act. The Committee annually recommends to the Chief Administrator proposals in the areas of Family Court procedure and family law that may be incorporated in the Chief Administrator's legislative program. These recommendations are based on the Committee's own studies, examination of decisional law, and suggestions received from bench and bar. The Committee maintains a liaison with the New York State Judicial Conference, committees of judges and committees of bar associations, legislative committees, and such groups as the New York State Commission on Child Support and the Task Force on Permanency Planning. In addition to recommending its own annual legislative program, the Committee reviews and comments on other pending legislative measures concerning Family Court and family law.

Of the nine proposals recommended in the Committee's 1992 report, only one — elimination of Family Court jurisdiction in proceedings for the education of handicapped children — was substantially enacted, as part of the Early Care Intervention bill. Three other measures — providing limited housing subsidies to enable return of children from foster care, appointment of law guardians in foster care review cases, and public funding for guardians ad litem in civil proceedings — failed because of reluctance to authorize new public spending. The Committee continues to believe, however, that the short term costs of these measures will be offset by savings realized by speeding the discharge of children from expensive foster care placements. The Committee's proposal to eliminate court approval for agreements or compromises for the support of non-marital children was only narrowly defeated, and we hope to secure enactment this year. Part II of this Report sets forth and summarizes each of these measures and explains the purpose in each instance.

Three measures intended to enhance the Court's productivity also will be re-submitted. The first, a new statute clarifying the circumstances under which a birth father may withhold consent to the adoption of his non-marital child, was originally submitted in response to the Court of Appeals decision in *Matter of Adoption of Raquel Marie X*, 76 N.Y.2d 387, *cert. denied sub nom. Robert C.* v. *Miguel T.*, 498 U.S. 984, 111 S. Ct. 517. Since then, a second decision, *Matter of Robert O* v. *Russell K*, 80 N.Y. 2d. 254, (October 27, 1992) has provided further clarification of the putative father's rights. In response to that ruling, the Committee revised its proposal for a new statute replacing Subdivision(i)(e) of Section 111 of the Domestic Relations Law. We will press for enactment of this proposal, so that all parties to a private placement adoption, and the courts, will have the benefit of explicit statutory guidance concerning the competing interests at stake.

As the state's fiscal problems worsened last year, the Committee proposed measures to reduce costly and duplicative proceedings. One such effort is the proposal to require verification in all matrimonial cases of a child's status with respect to custody and child support. The proposal was prepared in response to problems identified by Family Court Judges and Hearing Examiners, and should eliminate unnecessary re-litigation of issues addressed in a prior court proceeding.

The Committee also prepared a revised bill drafted in response to the Court of Appeals decision in *Matter of Randy K*, 77 N.Y.2d 398. As set out more fully in Part II, the committee believes the Legislature's intent was misconstrued by the Court, and recommends a bill clarifying the lawmakers' intent *not* to permit a juvenile respondent to obtain dismissal of delinquency charges simply by absconding from the Family Court' jurisdiction.

The Committee is also introducing one new proposal affecting guardianship and adoption proceedings. Incorporating elements of separate bills introduced in the last legislative session, the Committee's bill would amend the Domestic Relations Law and Surrogate's Court Procedure Act to mandate fingerprint checks for criminal convictions of all adoption and guardianship petitioners and clearances from the State Central Registry of Child Abuse ("SCR") of all persons over the age of 16 residing in a prospective adoptive or guardianship home. These measures will enhance the protection afforded children before they are placed in unsupervised homes.

Our last legislature proposal is a simple measure correcting inconsistencies between various sections of the Family Court Act and the Criminal Procedure Law. Chapter 667 of the Laws of 1990 had clarified the time limits under which victims of domestic violence are required to make a final choice of forum. It changed "seventy-two hours" to "three days, exclusive of Saturdays, Sundays and public holidays." However, Chapter 667 failed to insert the new language in all the relevant sections of the law. This bill would simply correct that oversight, providing necessary uniformity to court practice.

Due to its unusual status as a court in which litigants often proceed without counsel, the Family Court Act provides for creation of official forms for pleadings, process and orders, which are promulgated by the Chief Administrator and available to the public. In addition to its legislative work, the Committee is responsible for reviewing these forms and recommending revisions to conform to statutory amendments. In recent years, legislation affecting surrenders of parental rights, child support, delinquency and child protective proceedings has required substantial revisions to dozens of these forms. Chapter 41 of the Laws of 1992 extensively revised the Child Support Standards Act, requiring amendments to some 20 forms used in Family Court child support cases and to the Uniform Civil Rules for the Supreme Court with respect to matrimonial actions. Another example is Chapter 290, which created a wholly new proceeding in the Family Court and Surrogate's Court in which a "Standby Guardian" may be appointed by the court in situations in which the parent of a minor child is terminally ill.

The Committee hopes that comments and suggestions concerning legislative proposals and the on-going revision of forms will be forthcoming from interested members of the bench, bar, academic community and public, and invites submission of all observations, suggestions and inquiries to:

Professor Kevin C. Fogarty, Chair
Family Court Advisory and Rules Committee
Office of Court Administration (Suite 1401)
270 Broadway
New York, New York 10007

II. Previously endorsed measures

1. Creating an exception from time limitations in delinquency hearings when a warrant has been issued following respondent's failure to appear

This measure is intended to clarify the juvenile delinquency provisions of the Family Court Act so as to avoid dismissal of delinquency petitions when delay in commencing the hearing is caused by respondent's own failure to appear in court.

Article 3 of the Family Court Act establishes procedures for the prompt conduct of juvenile delinquency proceedings. Section 340.1 is more specific, directing that the fact-finding hearing "shall commence not more than sixty days" after respondent's initial appearance, except where the court has granted an adjournment either on its own motion, or on motion by the presentment agency or respondent "for good cause shown." Different time frames for adjournments are fixed, depending upon whether the respondent is held in detention or paroled.

Section 340.1 does not explicitly make an exception for cases in which the respondent, paroled at his or her initial appearance, fails to return to court for trial. Accordingly, in *Matter of Randy K*, 77 N.Y.2d 398 decided March 26, 1991, a divided Court of Appeals dismissed a delinquency petition for failure to comply with the section 340.1 time limit, notwithstanding the fact that the delay was caused by respondent's own actions in absenting himself from the court for 150 days.

In the months since *Randy K* was decided, Family Courts throughout the state have complied with the ruling by adjourning delinquency hearings for 30-day periods following issuance of a bench warrant. At each such adjournment, assuming respondent's continued failure to appear, the court is again obliged to "make findings of special circumstances" in order to continue the court's jurisdiction. Two wholly undesirable consequences are the result: first, repeated adjournments in warrant cases are added to the court's already crowded dockets, to the detriment of other children and families awaiting the court's attention; and, second, juveniles are effectively encouraged to evade the law by their own actions. These results were surely not intended by the Legislature. Indeed, the majority in the Court of Appeals noted that, "we are not unsympathetic to the [prosecutor's] concerns, particularly in light of the reality of a much overworked Family Court system," and added, "[A]rguments in favor of a blanket rule which would permit all time periods following a juvenile's failure to appear in court to be charged to the juvenile are better addressed to the Legislature."

In response to that invitation, we propose this measure. It provides that under circumstances where a respondent absconds and thereby fails to appear at a scheduled fact-finding hearing, once the court issues a bench warrant for his or her return, all time that elapses thereafter until respondent again appears before the court shall be excluded from the computation of the 60-day rule of section 340.1. It provides further that, under these circumstances, a showing of "due diligence" is not required of the presentment agency — in a city with one-half million outstanding warrants for adult defendants, police priorities may not correspond to the presentment agency's requests to bring in juveniles, and the law guardian appointed to represent the juvenile, not the presentment agency, is plainly obligated to make the client aware of the warrant.

This measure also would make similar amendment to section 350.1 of the Family Court Act, which sets forth a time frame within which the dispositional hearing must commence in a delinquency proceeding. The due process and policy concerns underlying that statute are similar to those behind the speedy fact-finding rule, and the two sections should operate consistently.

Proposal

AN ACT

to amend the family court act, in relation to delinquency hearings

The People of the State of New York represented in Senate and Assembly, do enact as follows:

Section 1. Section 340.1 of the family court act is amended by adding a new subdivision 7 to read as follows:

7. For purposes of this section, and notwithstanding considerations of due diligence, should a respondent fail to appear at a scheduled fact-finding hearing, computation of the time within which such hearing must commence shall exclude the period extending from the day the court issues a bench warrant for respondent's arrest because of his or her failure to appear to the day the respondent subsequently appears in court pursuant to a bench warrant or voluntarily or otherwise.

§2. Section 350.1 of the family court act is amended by adding a new subdivision 6 to read as follows:

6. For purposes of this section, and notwithstanding considerations of due diligence, should a respondent fail to *appear at a scheduled dispositional hearing, computation of the time within which such hearing must commence shall exclude the period extending from the day the court issues a bench warrant for respondent's arrest because of his or her failure to appear to the day the respondent subsequently appears in court pursuant to a bench warrant or voluntarily or otherwise.*

§3. This act shall take effect immediately.

2. Requiring verification in matrimonial proceedings of the status of any children of the marriage with respect to custody and support (DRL §240)

In the past year the Committee's attention has been drawn to difficulties concerning Supreme Court and Family Court shared jurisdiction over child support and custody. Hearing Examiners (quasi-judicial officers who are authorized to hear and determine support cases) have reported numerous instances in which the Family Court's orders of child support are circumvented by the parties' subsequent divorce action in which the presiding Supreme Court Justice is not informed of the existing Family Court order and enters a conflicting order. Typically, the situation comes to light only months later, when the now-divorced non-custodial parent returns to Family Court seeking a downward modification of the original Family Court order to conform to the lower amount set in the Supreme Court's divorce decree. These maneuvers can be corrected only at substantial cost in repeated court appearances by counsel for the individual parties (and the Commissioner of Social Services), not to mention costs to the court for docketing and hearing the subsequent claims.

Although some of these recurring problems might be cured by more care on the part of counsel and litigants, the Committee believes that the statute itself should be amended to be more explicit with respect to the necessity of informing the courts of the pendency of claims or existence of prior related orders.

The Committee has prepared a statutory amendment that would require verification of the status of any child of the marriage with respect to custody and support, including any prior court orders, coupled with a direction that "the court shall enter orders for custody and support". These two directives would serve to alert the court to the existence of outstanding orders and to deter those intent on manipulating the system.

Proposal

AN ACT

to amend the domestic relations law in relation to orders for child custody and support

The People of the State of New York represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (1) of Section 240 of the domestic relations law, as amended by chapter 41 the laws of 1992, is amended to read as follows:

1. In any action or proceeding brought (1) to annul a marriage or to declare the nullity of a void marriage, or (2) for a separation, or (3) for a divorce, or (4) to obtain, by a writ of habeas corpus or by petition and order to show cause, the custody of or right to visitation with any child of a marriage, the court [must give such direction, between the parties, for the custody and support of any child of the parties,] *shall require verification of the status of any child of the marriage with respect to such child's custody and support, including any prior orders, and shall enter orders for custody and support* as, in the court's discretion, justice requires, having regard to the circumstances of the case and of the respective parties and to the best interests of the child. In all cases there shall be no prima facie right to the custody of the child in either parent. Such direction shall make provision for child support out of the property of either or both parents. The court shall make its award for child support pursuant to subdivision one-b of this section. Such direction may provide for reasonable visitation rights to the maternal and/or paternal grandparents of any child of the parties. Such direction as it applies to rights of visitation with a child remanded or placed in the care of a person, official, agency or institution pursuant to article ten of the family court act, or pursuant to an instrument approved under section three hundred fifty-eight-a of the social services law, shall be enforceable pursuant to part eight of article ten of the family court act and sections three hundred fifty-eight-a and three hundred eighty-four-a of the social services law and other applicable provisions of law against any person having care and custody, or temporary care and custody, of the child. Notwithstanding any other provision of law, any written application or motion to the court for the establishment, modification or enforcement of a child support obligation for persons not in receipt of aid to dependent children must contain either a request for child support enforcement services completed in the manner specified in section one hundred eleven-g of the social services law; or a statement that the applicant has applied for or is in receipt of such services; or a statement that the applicant knows of the availability of such services and has declined them at this time. The court shall provide a copy of any such request for child support enforcement services to the support collection unit of the appropriate social services district any time it directs payments to be made to such support collection unit. Additionally, the copy of any such request shall be accompanied by the name, address and social security number of the parties; the date and place of the parties' marriage; the name and date of birth of the child or children; and the name and address of the employers and income payors of the party from whom child support is sought or from the party ordered to pay child support to the other party. Such direction may require the payment of a sum or sums of money either directly to the custodial parent or to third persons for goods or services furnished for such child, or for both payments to the custodial parent and to such third persons; provided, however, that unless the party seeking or receiving child support has applied for or is

receiving such services, the court shall not direct such payments to be made to the support collection unit, as established in section one hundred eleven-h of the social services law. Such direction shall require that where either parent has health insurance available through an employer or organization that may be extended to cover the child and when the court determines that the employer or organization will pay for a substantial portion of the premium on any such extension of coverage, that such parent exercise the option of additional coverage in favor of such child and execute and deliver any forms, notices, documents or instruments necessary to assure timely payment of any health insurance claims for such child. When both parents have health insurance available to them and the court determines that the policies are complementary, the court may order both parents to exercise the option of additional coverage as provided herein. Such direction shall be effective as of the date of the application therefor, and any retroactive amount of child support due shall be support arrears/past due support and shall be paid in one sum or periodic sums, as the court shall direct, taking into account any amount of temporary child support which has been paid. In addition, such retroactive child support shall be enforceable in any manner provided by law, including, but not limited to, an income execution for support enforcement pursuant to subdivision (b) of section fifty two hundred forty one of the civil practice law and rules. Such direction may be made in the final judgment in such action or proceeding, or by one or more orders from time to time before or subsequent to final judgment, or by both such order or orders and the final judgment. Such direction may be made notwithstanding that the court for any reason whatsoever, other than lack of jurisdiction, refuses to grant the relief requested in the action or proceeding. Any order or judgment made as in this section provided may combine in one lump sum any amount payable to the custodial parent under this section with any amount payable to such parent under section two hundred thirty-six of this chapter. Upon the application of either parent, or of any other person or party having the care, custody and control of such child pursuant to such judgment or order, after such notice to the other party or parties or persons having such care, custody and control and given in such manner as the court shall direct, the court may annul or modify any such direction, whether made by order or final judgment, or in case no such direction shall have been made in the final judgment may, with respect to any judgment of annulment or declaring the nullity of a void marriage rendered on or after September first, nineteen hundred forty, or any judgment of separation or divorce whenever rendered, amend the judgment by inserting such direction. Subject to the provisions of section two hundred forty-four of this article, no such modification or annulment shall reduce or annul arrears accrued prior to the making of such application unless the defaulting party shows good cause for failure to make application for relief from the judgment or order directing such payment prior to the accrual of such arrears. Such modification may increase such child support nunc pro tunc as of the date of application based on newly discovered evidence. Any retroactive amount of child support due shall be support arrears/past due support and shall be paid in one sum or periodic sums, as the court shall direct, taking into account any amount of temporary child support which has been paid. In addition, such retroactive child support shall be enforceable in any manner provided by law, including, but not limited to, an income execution for support enforcement pursuant to subdivision (b) of section fifty two hundred forty one of the civil practice law and rules.

§2. This act shall take effect immediately.

3. Elimination of court approval for agreement or compromise for child support of an out-of-wedlock child (FCA §516)

The Committee recommends the repeal of section 516 of the Family Court Act, which requires court approval for an agreement between the mother and putative father for the support and education of an out-of-wedlock child. When so approved, the agreement bars other remedies for the support and education of the child.

Section 516, enacted in 1962 but derived from the old Domestic Relations Law, served two purposes. First, it encouraged putative fathers to settle paternity claims, thereby reducing the necessity for legal proceedings. The agreement offered the putative father certainty and a limitation on his future support obligation, while the interests of the child and mother were protected by the requirement for judicial review. Second, the statute helped ensure that the child would not be without support from the father. By furnishing an incentive to settle, the statute tended to prevent support of the out-of-wedlock child from becoming lost in the intricacies of the process and the uncertainty of adjudicatory outcome. *Bacon* v. *Bacon*, 46 N.Y.2d 477, 480 (1979).

The Committee believes this section is no longer needed or justified because of the technological advances made in the blood genetic marker tests, the statutory enactments requiring their use, and the evidentiary weight the courts are required to accord their results.

Although blood grouping tests had been in use in paternity proceedings for many years, until 1981 they were admissible only for the purposes of excluding the respondent as father. As a result of scientific advances in the field, the Legislature, impressed by the increasing accuracy of the tests, repeatedly amended section 532 to permit the use of blood tests as positive evidence of paternity as well. In addition, appellate courts have indicated that the test results are almost tantamount to evidentiary certitude. *Barber* v. *Davis*, 120 A.D.2d 364 (1st Dept., 1986); *Nancy M. G.* v. *Dann OO*, 148 A.D.2d 714 (2nd Dept., 1989); *Discenza* v. *James M.*, 148 A.D.2d 196 (3rd Dept., 1989).

Other recent legislation requires expedited support proceedings and expands enforcement options, thus making support more readily attainable. Moreover, section 513 of the Family Court Act has been amended to make it clear that in-wedlock and out-of-wedlock children must be treated similarly for the purposes of support, thus ending uncertainty about support awards for out-of-wedlock children.

Questions persist concerning the constitutionality of this section in light of several recent United States Supreme Court decisions. In *Clark* v. *Jeter*, 486 U.S. 456 (1988), the Supreme Court held that a six-year statute of limitations for paternity actions violated the equal protection clause in unacceptably differentiating between in-wedlock and out-of-wedlock children. Thereafter, a Wisconsin case, *Gerhardt* v. *Estate of Moore*, 407 N.W. 2d 895, was remanded to the Supreme Court of Wisconsin for further consideration in light of *Clark* v. *Jeter*, *supra*. That case concerned a Wisconsin statute allowing defendants in paternity proceedings to enter into settlements whereby they admitted paternity and paid off their child support obligation in one lump sum. Upon reconsideration, the Wisconsin court found that the same principle that rendered the different treatment of children born out-of-wedlock as opposed to marital children unconstitutional in *Clark* v. *Jeter* applied to preclude enforcement of a paternity settlement as a bar to a child's subsequent independent action for support. *Gerhardt* v. *Estate of Moore*, Wis. Sup. Ct., No.85-0943, 6/28/89.

Finally, we note that the Court of Appeals recently held in *Adrianna G.* v. *Ruben O* (November 24, 1992) that a welfare official, as assignee of the rights of a mother who had signed a Section 516 agreement, is nevertheless permitted to compel payment of child support despite the father's compliance with the court approved agreement.

In the opinion of the Committee, these developments have rendered unnecessary, inappropriate and no longer in the child's best interests the compromise procedure contained in section 516. The policy considerations upon which the section was based are no longer persuasive. In fact, actual enforcement of a compromise agreement such as that contemplated under section 516 for the future support of an out-of-wedlock child may be problematic. Consequently, the Committee feels that judges should not be called upon to approve these agreements, and the section should be repealed.

Proposal

AN ACT

to amend the family court act, in relation to agreement or compromise of support in paternity proceedings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 516 of the family court act is REPEALED.

§2. This act shall take effect immediately.

REPEAL NOTE — Section 516 of the family court act, proposed to be repealed by this act, provides for court approval of a written agreement or compromise for child support between a putative father and a mother or person on behalf of a child, which, when so approved, bars other remedies for child support.

4. Measures to reduce trauma of child witnesses (Exec. Law §642-a; FCA §165)

This measure would amend section 642-a of the Executive Law, which is addressed to criminal justice agencies, crime victim-related agencies, social services agencies and the courts, and which provides guidelines for treatment of child victims, to make it explicit that interviews of child witnesses as well as child victims fall within these statutory safeguards and guidelines. In addition, the measure provides that in proceedings involving child abuse and neglect, audio- or video-taping of the interviews of child victims should be conducted as early as feasible. Finally, physiological stress is added to the conditions to which a judge should be sensitive.

The measure also would amend section 165 of the Family Court Act, pertaining to procedures in all Family Court proceedings, to provide that, except in Article 3 (delinquency) cases, and subject to the judge's discretion, a child's testimony may be taken by the use of closed-circuit television.

In May, 1988, the Chief Administrative Judge, as required by chapter 505 of the Laws of 1985, filed a report to the Governor, the Chief Judge and the Legislature on the use of closed-circuit television to record the testimony of vulnerable child witnesses. That chapter had added a new Article 65 to the Criminal Procedure Law to establish a procedure permitting the testimony of "vulnerable" child witnesses to be taken by means of live two-way closed-circuit television. In preparation for this report, the Chief Administrative Judge requested the members of this Committee to make recommendations geared to the development and implementation of methods and techniques designed to reduce significantly the trauma to child witnesses caused by testifying in court proceedings. A copy of the Committee's report was appended to the Chief Administrative Judge's report of May, 1988. The instant measure results from the findings and recommendations contained in that report.

This Committee believes that the protections of these rules, guidelines and practices should be extended to all children, whether the child is a victim or witness. The trauma of appearing in a court proceeding may be just as great to a vulnerable child witness as it is to a child victim. The appropriateness of the treatment by the court or counsel should be left to the discretion of the judge.

By chapter 331 of the Laws of 1988 the Legislature amended section 343.1 of the Family Court Act, pertaining to juvenile delinquency proceedings, to incorporate the provisions of Article 65 of the Criminal Procedure Law. With that exception, the instant measure would allow a judge in any proceeding in Family Court to use closed-circuit television as a technique, in addition to those now available, to reduce the trauma of a child witness.

Proposal

AN ACT

to amend the executive law and the family court act, in relation to reducing the trauma of child witnesses

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 642-a of the executive law, as added by chapter 263 of the laws of 1986, is amended to read as follows:

§642-a. Guidelines for fair treatment of child victims [as] *and child* witnesses. To the extent permitted by law, criminal justice agencies, crime victim-related agencies, social services agencies and the courts shall comply with the following guidelines in their treatment of child victims *and witnesses*:

1. *Interviews with a child victim or witness shall be so conducted as to minimize trauma.*

2. To minimize the number of times a child victim *or child witness* is called upon to recite the events of the case and to foster a feeling of trust and confidence in the child [victim], whenever practicable, a multi-disciplinary team involving a prosecutor, law enforcement agency personnel, and social services agency personnel should be used for the investigation and prosecution of child abuse cases. *As early as feasible in cases of suspected child abuse and neglect, interviews of the child should be audio- or video-taped.*

[2.]*3.* Whenever practicable, the same prosecutor should handle all aspects of a case involving an alleged child victim.

[3.]*4.* To minimize the time during which a child victim must endure the stress of his *or her* involvement in the proceedings, the court should take appropriate action to ensure a speedy trial in all proceedings involving an alleged child victim. In ruling on any motion or request for a delay or continuance of a proceeding involving [an alleged] *a* child victim *or child witness*, the court should consider and give weight to any potential adverse impact the delay or continuance may have on the well-being of the child.

[4.]*5.* The judge presiding should be sensitive to the *physiological*, psychological and emotional stress a child witness may undergo when testifying.

[5.]*6.* In accordance with the provisions of article sixty-five of the criminal procedure law, when appropriate, a child witness as defined in subdivision one of section 65.00 of such law should be permitted to testify via live, two-way closed-circuit television.

[6.]*7.* In accordance with the provisions of section 190.32 of the criminal procedure law, a person supportive of the "child witness" or "special witness" as defined in such section should be permitted to be present and accessible to a child witness at all times during his *or her* testimony, although the person supportive of the child witness should not be permitted to influence the child's testimony.

[7.]*8.* A child witness should be permitted in the discretion of the court to use anatomically correct dolls and drawings during his *or her* testimony.

§2. Section 165 of the family court act is amended by adding a new subdivision (c) to read as follows:

(c) In all proceedings, except proceedings pursuant to article three of this act, in which a child is a witness, the child's testimony may be taken by the use of closed-circuit television in the discretion of the trial court.

§3. This act shall take effect immediately.

5. Authority of judge to order funds for housing where lack of adequate housing is sole reason for child to be in foster care
(SSL §§358-a, 392; FCA §1055)

This proposal, drafted at the direction of the Chief Administrator of the Courts and endorsed by the Committee in 1990, is resubmitted and vigorously recommended.

This measure amends sections 358-a and 392 of the Social Services Law, relating to foster care review, and section 1055 of the Family Court Act, relating to extensions of placement in child protective proceedings. It authorizes a Family Court Judge, when considering the continuation of a child in foster care, upon making a determination that such continuation is necessary solely because of the lack of adequate housing, to order a social services official to provide funds for housing that may equal up to 50% of the cost it would otherwise require to keep the child in foster care. Children in foster care would thus be returned to their families, at considerable savings of public monies for foster care, and incalculable benefit to the children and parents whose families had been separated.

The Committee is well aware that a similar bill was passed by the Legislature in 1990, only to be vetoed by the Governor, who expressed regret that, in his judgment, the necessary funds were not available. That bill had provided that housing funds were to be made available to *prevent* foster care placement, if lack of adequate housing were determined to be the only reason that foster care would be necessary. The instant measure is distinctly different, providing funds that may equal up to 50% of the cost of foster care, to families whose children are already in foster care, and for whom it is determined that *return* to the family is prevented only by the lack of adequate housing. In this measure there would be a direct correlation between the funds spent on housing and the funds committed to foster care placement.

There are instances where the lack of adequate housing becomes the only reason some families are prevented from reuniting after other adverse circumstances have been alleviated or remedied. While a public assistance allowance contains a certain amount to cover rent, the amount has proven to be inadequate in a great many cases.

This result is undesirable not only because it is counterproductive from the point of view of keeping families intact or speeding permanency planning, but it is fiscally unsound. It has been estimated that it costs from approximately $18,000 to $20,000 per year to maintain a child in foster care, depending on the age of the child and the type of care provided. Depending on where the family resides, it would cost considerably less to provide funds necessary to house the family adequately. The measure places a cap on the amount that may be paid for housing equalling 50% of the sum that would be expended were the child to be in foster care during a period fixed in the court's order.

The Family Court to date has not had the authority to order a public official to make the specific payments to accomplish this purpose. This measure would explicitly authorize a Family Court Judge to do so after making a finding that lack of adequate housing is the only stumbling block preventing the child from returning home. If it appears that payment to the child's parent or caretaker is unwise, the court may direct payment to another, including a landlord.

Proposal

AN ACT

to amend the social services law and the family court act, in relation to foster care review and the extension of placement in child protective proceedings

The People of the State of New York represented in Senate and Assembly, do enact as follows:

Section 1. Section 392 of the social services law is amended by adding a new subdivision 11 to read as follows:

11. In cases where the court determines that the child's removal from foster care and return to the home is prevented solely by lack of adequate housing, the court may order a social services official to provide funds for housing to the parents or person legally responsible for the child or to such person as the court may direct from such funds as may be legally available. In no event shall the funds so ordered be greater than fifty per cent of the amount that would be expended were the child to be in foster care during a period designated in said order.

§2. Subdivision 3 of section 358-a of such law is amended by adding a new paragraph d to read as follows:

d. If the court determines that lack of adequate housing is the sole reason preventing the return of the child to the home, the court may order a social service official to provide funds for housing to the parents or person legally responsible for the child or to such person as the court may direct from such funds as may be legally available. In no event shall the funds so provided be greater than fifty per cent of the amount that would be expended were the child to be in foster care during a period designated in said order.

§3 Subdivision (c) of section 1055 of the family court act, as amended by chapter 283 of the laws of 1990, is amended to read as follows:

(c) In addition to or in lieu of an order of placement or extension or continuation of a placement made pursuant to subdivision (b), the court may make an order directing a child protective agency, social services official or other duly authorized agency to undertake diligent efforts to encourage and strengthen the parental relationship when it finds such efforts will not be detrimental to the best interests of the child. Such efforts shall include encouraging and facilitating visitation with the child by the parent or other person legally responsible for the child's care. Such order may include a specific plan of action for such agency or official including, but not limited to, requirements that such agency or official assist the parent or other person responsible for the child's care in obtaining adequate housing, employment, counseling, medical care or psychiatric treatment. Such order shall also include encouraging and facilitating visitation with the child by the non-custodial parent and grandparents who have obtained orders pursuant to part eight, and may include encouraging and facilitating visitation with the child by the child's siblings. *If the court determines that lack of adequate housing is the sole reason preventing the return of the child to the home, the court may order a social services official to provide funds for housing to the parents or person legally responsible for the child or to such person as the court may direct from such funds as may be legally available. In no event shall the funds so provided be greater than fifty per cent of the amount that would be expended were the child to be in foster care during a period designated in said order.* Nothing in this subdivision shall be deemed to limit the authority of the court to make an order pursuant to section two hundred fifty-five of this act.

§4. This act shall take effect immediately.

6. Appointment of a law guardian in all foster care review proceedings (FCA §249)

This measure amends section 249 of the Family Court Act to mandate the assignment of a law guardian for the child in every foster care review proceeding brought pursuant to sections 358-a and 392 of the Social Services Law. It also renders the section gender neutral. At the present time, appointment of a law guardian in these proceedings is discretionary except for those instances in a proceeding under section 392 where the child (1) has been freed for adoption for a period of six months and has not yet been placed in a prospective adoptive home, or (2) has been freed for adoption and placed in an adoptive home but no adoption petition has been filed after 12 months.

Since 1979, the Legislature has mandated strongly enhanced procedures complicating the steps to be taken in foster care review proceedings and increasing the significance of judicial review in these cases. Based on years of experience, it is clear that, unless there is methodical and mandated representation for the child in the foster care review process, it will be difficult if not unlikely that the vigorous investigation and presentation of relevant information now required in the proceeding will take place. Such a failure will defeat the intent of the Legislature to protect children in foster care and to speed their removal from the foster care rolls when it is appropriate to do so.

Mandating the assignment of law guardians in foster care review proceedings is likely to have a discernible financial impact in the first instance. However, it will undoubtedly have a salutary effect on the quality of those proceedings. Moreover, effective legal representation, especially at the early review stages, will likely result in earlier and increased returns of children to permanent arrangements, thereby reducing the much larger expense of continued foster care.

Proposal

AN ACT

to amend the family court act in relation to appointment of law guardians

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision (a) of section 249 of the family court act, as amended by chapter 321 of the laws of 1989, is amended to read as follows:

(a) In a proceeding under article seven, three or ten or where a revocation of an adoption consent is opposed under section one hundred-fifteen-b of the domestic relations law or in any proceeding under section *three hundred fifty-eight-a*, three hundred eighty-four-b [of the social services law] or [under section] three hundred ninety-two of [such law in the case of a child freed for adoption for a period of six months and not placed in a prospective adoptive home or in the case of a child freed for adoption and placed in a prospective adoptive home and no petition for adoption has been filed twelve months after placement,] *the social services law* or when a minor is sought to be placed in protective custody under section one hundred fifty-eight, the family court shall appoint a law guardian to represent a minor who is the subject of the proceeding or who is sought to be placed in protective custody, if independent legal representation is not available to such minor. In any proceeding to extend or continue the placement of a juvenile delinquent or person in need of supervision pursuant to section seven hundred fifty-six or 353.3 or any proceeding to extend or continue a commitment to the custody of the commissioner of mental health or the commissioner of mental retardation pursuant to section 322.2, the court shall not permit the respondent to waive [his] *the* right to be represented by counsel chosen by [him or his parent] *the respondent, respondent's parent,* or other person legally responsible for [his] *respondent's* care, or by a law guardian. In any other proceeding in which the court has jurisdiction, the court may appoint a law guardian to represent the child, when, in the opinion of the family court judge, such representation will serve the purposes of this act, if independent legal counsel is not available to the child. The family court on its own motion may make such appointment.

§2. This act shall take effect immediately.

7. Compensation out of public funds for Guardians ad Litem appointed for children and adults in civil proceedings
(CPLR 1204)

This measure amends section 1204 of the Civil Practice Law and Rules to provide compensation from state or county funds for guardians *ad litem* appointed for children and adults in civil proceedings. It is also supported by the Chief Administrator's Advisory Committee on Civil Practice.

There are a variety of situations in which children and adults may be deemed by judges to require the protection afforded by a guardian *ad litem*. For example, in Family Court the respondent in a child protective proceeding (the parent of the child who is allegedly mistreated) may herself be under 18 years of age. Another example is a family offense case in which a minor child is alleged to have committed an offense against a parent or guardian. Adults may require a guardian *ad litem* when their own mental capacity is challenged, for instance, in termination-of-parental-rights proceedings based on the parent's mental illness or retardation. There often is also a need to appoint a guardian *ad litem* for a child who is the subject of a custody proceeding in Supreme Court.

While judges now have the authority to make these appointments, they are reluctant to do so because they cannot guarantee that the guardian will receive any payment. CPLR 1204 authorizes payment for the services of a guardian *ad litem* by "any other party or from any recovery had on behalf of the person whom such guardian represents or from such person's other property." Neither the Family Court Act nor the CPLR provide for payment where there is no monetary corpus from which payment can be made, and the courts have ruled that no public funds may be used in such circumstances. *See Matter of Wood* v. *Cordello*, 91 A.D. 2d 1178 (2d Dept. 1983). There most frequently is no available monetary corpus in Family Court proceedings.

This measure authorizes payment for the services of the guardian *ad litem* out of public funds, as a state charge, in the instance of a child, and as a county charge, if for an adult, consistent with the present statutory sources of funding for assignment of counsel. By virtue of section 165 of the Family Court Act, CPLR 1204, as amended, would apply to Family Court proceedings. In addition, if the proceeding is one in which there is a subsequent monetary recovery, the funds may be recovered pursuant to CPLR 1103.

Proposal

AN ACT

to amend the civil practice law and rules, in relation to compensation of guardians ad litem

The People of the State of New York represented in Senate and Assembly, do enact as follows:

Section 1. Section 1204 of the civil practice law and rules is amended to read as follows:

§1204. Compensation of guardian ad litem. A court may allow a guardian ad litem a reasonable compensation for [his] *the guardian's* services to be paid in whole or part by any other party or from any recovery had on behalf of the person whom such guardian represents or from such person's other property, *or if there is no such source, compensation for services shall be from state funds in the same amounts established by subdivision three of section thirty-five of the judiciary law, if the guardian ad litem has been appointed for an infant; and out of county funds in the same amounts established by section seven hundred twenty-two-b of the county law, if appointed for an adult.* No order allowing compensation shall be made except on an affidavit of the guardian or [his] *the guardian's* attorney showing the services rendered.

§2. This act shall take effect immediately.

III. New or modified measures

1. Establishment of criteria for determining under what circumstances the consent of the biological father is required when a non-marital child under the age of six months is placed for adoption (DRL §111(1)(e))

Section 111(1)(e) of the Domestic Relations Law, governing the rights of biological fathers whose newborn non-marital children are placed for adoption, was declared unconstitutional by the Court of Appeals in *Matter of Raquel Marie X*, 76 N.Y.2d 387 (1990), *cert. den. sub nom. Robert C.* v. *Miguel T.*, 498 U.S. 984, 111 S.Ct. 517. That same year, the Committee joined interested legislative and bar groups in attempting to secure passage of a bill to replace the statute, but those efforts ultimately failed, and in 1991 the Committee drafted and submitted its own legislative proposal, which also failed to secure enactment. In October, 1992 further clarification of the Court of Appeals' views concerning the rights and obligations of non-marital fathers was provided in *Matter of Robert O.* v. *Russell K.*, 80 N.Y. 2d 254 (October 27, 1992). The Committee has now reviewed its earlier proposal and amended it to conform to the additional limitations presented in the *Robert O* decision. We believe the revised proposal creates balanced and adequate protections to all parties to an adoption.

Section 111(1)(e) had required the biological father's consent only if, during the six months preceding the placement, he had lived with the child or mother, held himself out as the child's father, and provided financial support. The Court of Appeals in *Raquel Marie* held that the "living together" requirement was unacceptable, because it has no bearing on the question of the father's relationship to the newborn infant, and "can easily be used to block the father's rights." Concluding that the Legislature had intended the three statutory requirements to operate together, the Court struck the statute in its entirety, and called upon the Legislature to enact a new law containing "unambiguous standards that both encapsulate the qualifying relationship and protect all of the important interests involved." The Court of Appeals stated:

> "The State can deny a right of consent to all unwed fathers who do not come forward to immediately assume their parental responsibilities, and it can prescribe conditions for determining whether the unwed father's manifestation of interest in his child is sufficiently prompt and substantial to require full constitutional protection."

In the absence of statutory guidance, courts have had to determine on a case-by-case basis whether the consent of the father of a young infant born out of wedlock is required before the adoption can be approved. This process has undermined the confidence with which adoptions can be planned and has the potential to jeopardize the integrity of adoption decrees, to the detriment not only of the adults involved, but, more importantly, the infants whose futures are at stake.

The uncertain state of the law following the *Raquel Marie* decision was illustrated by the *Robert O* case. In *Robert O*, the Court of Appeals was confronted with the question of whether the birth mother or the state is obliged to inform a birth father of his pending or actual paternity. In *Robert O*, a biological father who had remained ignorant of the pregnancy and birth attempted, some 10 months after the child's adoption, to assert a right to withhold his consent. He argued that the birth mother or the State owed him a duty to inform him of his paternity, so that he might grasp the opportunity to establish a relationship with the newborn infant that would qualify him, under the *Raquel Marie* holding, for the right to withhold his consent to the adoption. The Court of Appeals rejected that argument, noting that

> "No one, however, let alone any State actor, prevented petitioner from finding out about [the] pregnancy. * * * Nothing in *Raquel Marie* or the Supreme Court decisions on which it rests suggests that the protections of constitutional due process must or should be extended to him under these circumstances."

Robert O thus indicates that there is no constitutional duty affirmatively to inform a father who does not inquire. Accordingly, the four criteria presented in this bill restrict the right to withhold consent to those biological fathers who, having learned of the pregnancy or birth, come forward promptly to assume full parental responsibility. Such fathers are defined, first, as those otherwise entitled to receive notice of a judicial proceeding concerning the child by reference to sections 111-a of the Domestic Relations Law and 384-c of the Social Services Law. Those two sections specify several categories, including men who have been adjudicated the father in a court proceeding, those identified by the mother in a written, sworn statement, and those who have filed notice of intent to claim paternity. The constitutional adequacy of those sections was reviewed by the Supreme Court in *Lehr* v. *Robertson*, 463 U.S. 248 (1982), and was found acceptable.

The bill's second and third criteria are based on the former statute's requirements concerning holding oneself out as the father and paying financial support. A "saving clause" is provided to prevent affirmative fraud or deception by the birth mother from nullifying the father's rights. In *Adoption of Baby Girl S*, the companion case to *Raquel Marie X*, the court concluded that the mother's outright and repeated deception of the biological father, who made persistent efforts to learn the truth and to assume parental obligations, constituted a fraud that denied him significant rights and warranted vacatur of the completed adoption. The Committee's proposal therefore requires the father to "hold himself out as the father" and pay child support "unless prevented from so doing by the person or agency having lawful custody of the child." In deference to the admonition in *Robert O* that the relevant time period for prompt action by the father be "measured in terms of the baby's life not by the onset of the father's awareness," (slip opinion, p. 10) the time period is specified as the six months immediately following the baby's birth.

The fourth and final requirement gives the biological father 30 days in which to respond to notice of the adoption proceeding by asserting his claim to paternity and requesting full custody of the child. If the biological father meets this and the other three statutory criteria, the child may not be adopted without his consent or termination of his parental rights.

This measure promotes the sound policy of encouraging birth mothers to identify the biological father, so that he may be given notice and his interest, if any, resolved as soon as possible. If he is identified and given notice, he has only 30 days in which to respond. If, however, the mother refuses to identify the biological father and claims that no one is entitled to receive notice of the proceeding, the father may assert his claims to paternity and custody until the child is six months old. We urge enactment of this measure in order to assure that future adoptions may be secure from disruptive challenges such as those presented in the *Raquel Marie X* and *Robert O* cases.

Proposal

AN ACT

to amend the domestic relations law with respect to the rights of biological fathers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (e) of subdivision 1 of section 111 of the domestic relations law, as added by chapter 575 of the laws of 1980, is amended to read as follows:

(e) Of the father, whether adult or infant, of a child born out-of-wedlock who is under the age of six months at the time he *or she* is placed for adoption, but only if: (i) such father [openly lived with the child or the child's mother for a continuous period of six months immediately preceding the placement of the child for adoption] *is a person entitled to notice pursuant to subdivision two of section one hundred eleven-a of this article or subdivision two of three hundred-eighty four-c of the social services law*; and (ii) such father openly held himself out to be the father of such child during [such period] *the six months immediately after the child's birth, unless prevented from so doing by the person or agency having lawful custody of the child;* and (iii) such father paid a fair and reasonable sum, in accordance with his means, for the medical, hospital and nursing expenses incurred in connection with the mother's pregnancy or with the birth of the child, *unless prevented from so doing by the person or agency having lawful custody of the child; and (iv) upon receiving notice of an adoption proceeding pursuant to the provisions of this chapter, or a notice of a proceeding to terminate parental rights pursuant to section three hundred eighty four-b of the social services law, or a notice of the commitment of the guardianship and custody of the child by voluntary surrender instrument pursuant to section three hundred eighty three-c or section three hundred eighty four of the social services law, or a notice of a proceeding to grant temporary guardianship of the child to a proposed adoptive parent pursuant to section one hundred fifteen-c of this article, such father filed a motion to intervene in the proceeding, including an assertion of paternity and a request for custody, within thirty days of the date of such notice. Such consent shall not be required unless paternity is established substantially in accordance with the relevant and otherwise consistent provisions of the family court act.*

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.

2. Requirement for criminal records clearance for petitioners in adoption and guardianship proceedings and for child abuse registry clearance of other adults residing in the proposed adoptive or guardianship home

(DRL 112, SPCA 1704, 1706, 1707)

This measure amends relevant sections of the Surrogate's Court Procedure Act and Domestic Relations Law to require additional clearances concerning adults in the household before orders of guardianship or adoption are made.

Such clearances were first required when Chapter 636 of the Laws of 1987 was enacted. A 1991 amendment eliminated redundant material, restricting reports only to those in which the proposed guardian or adoptive parent was the "subject of an indicated report" of child maltreatment.

Such maltreatment may, however, be committed by any person regularly in the household, including relatives or members of an informal extended family. This measure would therefore broaden the scope of the required clearances to include any person over the age of 16 residing in the proposed adoptive or guardianship home. We believe this will enhance the protection afforded to children before they are permanently and legally placed in an unsupervised home.

Sections 1, 2 and 3 make the necessary changes to the Surrogate's Court Procedure Act, which governs guardianship procedures in the Surrogate's Court and Family Court. Sections 4 and 5 make the same changes in the Domestic Relations Law concerning adoption cases.

In addition, sections 3 and 6 of the bill would add a requirement that the petitioners in guardianship and adoption proceedings submit fingerprints for criminal records review by the Department of Criminal Justice Services. Such a requirement is presently found in Section 205.58 of the Uniform Rules for the Family Court, and should be included in the statutory requirements for approval of adoption or guardianship applications.

Finally, the proposal's section 3, amending section 1707 of the Surrogate's Court Procedure Act and section 4, amending section 112 of the Domestic Relations Law, contain technical amendments to bring those statutes into conformity with the extensive revisions made by Chapter 164 of the Laws of 1991. Chapter 164 was intended to amend all relevant sections of the two statutes governing required clearances in adoption and guardianship proceedings. However, subdivision (1) of S.C.P.A. §1707 appears to have been overlooked, as was a part of subdivision (2) of D.R.L. §112. With the deletion of references to "the infant's" records and "other persons named" in statewide reports, these sections would become consistent with the statute as a whole.

Proposal

AN ACT

to amend the domestic relations law and the surrogate's court procedure act with respect to reports required before orders of adoption or guardianship are made

The People of the State of New York represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 6 of section 1704 of the surrogate's court procedure act, as amended by chapter 164 of the laws of 1991, is amended to read as follows:

6. Whether the petitioner has knowledge that a person nominated to be a guardian therein, *or any person over the age of sixteen years who resides in the home of the proposed guardian,* is a subject of an indicated report, as such terms are defined in section four hundred twelve of the social services law, filed with the statewide central register of child abuse and maltreatment pursuant to title six of article six of the social services law, or has been [the subject of or] the respondent in a child protective proceeding commenced under article ten of the family court act, which proceeding resulted in an order finding that the child is an abused or neglected child.

§2. Subdivision 2 of section 1706 of the surrogate's court procedure act, as amended by chapter 164 of the laws of 1991, is amended to read as follows:

2. The court shall inquire of the department of social services and the department shall inform the court whether a person nominated to be a guardian of such infant, *or any person over the age of sixteen years who resides in the home of the proposed guardian,* is a subject of an indicated report, as such terms are defined in section four hundred twelve of the social services law, filed with the statewide central register of child abuse and maltreatment pursuant to title six of article six of the social services law.

§3. Subdivision 1 of section 1707 of the surrogate's court procedure act, as amended by chapter 636 of the laws of 1987, is amended to read as follows:

1. If the court [be] *is* satisfied that the interests of the infant will be promoted by the appointment of a guardian of [his] *the infant's* person or [of his] property, or of both, it must make a decree accordingly. The same person may be appointed guardian of both the person and the property of the infant or the guardianship of the person and of the property may be committed to different persons. The court may appoint a person other than the parent of the infant or the person nominated by the petitioner. *Before making a decree appointing a guardian of an infant, the court shall require that the prospective guardian be fingerprinted. The court shall forward such fingerprints, accompanied by the appropriate processing fee, if any, to the division of criminal justice services for a report setting forth any existing criminal record of such prospective guardian.* When the court is informed that [the infant,] a person nominated to be a guardian of such infant, [or] the petitioner, *or any person over the age of sixteen years who resides in the home of the proposed guardian,* is a subject of [or another person named in] an indicated report, as such terms are defined in section four hundred twelve of the social services law, filed with the statewide register of child abuse and maltreatment pursuant to title six of article six of the social services law or is or has been the [subject of or the repondent] *respondent* in or a party to a child protective proceeding commenced under article ten of the family court act which resulted in an order finding that the child is an abused or neglected child, the court shall obtain such records regarding such report or proceeding as it deems appropriate and shall give the information contained therein due consideration in its determination.

§4. Subdivision 2 of section 112 of the domestic relations law, as amended by chapter 164 of the laws of 1991, is amended to read as follows:

2. The adoptive parents or parent and the adoptive child if over eighteen years of age must present to such judge or surrogate (a) a petition stating the names and place of residence of the petitioners; whether they are of full age; whether they are married or unmarried and, if married, whether they are living together as husband and wife; the first name, date and place of birth of the adoptive child as nearly as the same can be ascertained; a statement on information and belief that there will be annexed to the petition a schedule verified by a duly constituted official of the authorized agency as required by this section; the religious faith of the petitioners; the religious faith of the adoptive child and his or her parents as nearly as the same can be ascertained; the manner in which the adoptive parents obtained the adoptive child; whether the child was placed or brought into the state of New York from out of state for purpose of adoption, whether the placement was subject to the provisions of section three hundred seventy-four-a of the social services law and if the placement was subject to the provisions of such section, whether the provisions of such section were complied with; the period of time during which the adoptive child has resided with the adoptive parents; the occupation and approximate income of the petitioners, including support and maintenance, if any, to be received on behalf of the adoptive child from a commissioner of social services, pursuant to the social services law, and the new name, if any, by which the adoptive child is to be known; whether the adoptive parent or parents has or have knowledge that an adoptive parent, *or any person over the age of sixteen years who resides in the proposed adoptive home*, is the subject of an indicated report, as such terms are defined in section four hundred twelve of the social services law, filed with the statewide central register of child abuse and maltreatment pursuant to title six of article six of the social services law, or has been the [subject of or the] respondent in a child protective proceeding commenced under article ten of the family court act, which proceeding resulted in an order finding that the child is an abused or neglected child; that no previous application has been made to any court or judge for the relief sought or if so made, the disposition of it and a statement as to whether the adoptive child had been previously adopted, all of which statements shall be taken prima facie as true; (b) an agreement on the part of the adoptive parents or parent to adopt and treat the adoptive child as their or his or her own lawful child; (c) the consents required by section one hundred eleven of this article.

§5. Subdivision 7 of section 112 of the domestic relations law, as amended by chapter 164 of the laws of 1991, is amended to read as follows:

7. Before making an order of adoption the judge or surrogate shall inquire of the department of social services and the department shall inform the court whether an adoptive parent, *or any person over the age of sixteen years who resides in the proposed adoptive home* is the subject of an indicated report as such terms are defined in section four hundred twelve of the social services law, filed with the statewide central register of child abuse and maltreatment pursuant to title six of article six of the social services law and shall cause to be made an investigation by a disinterested person or by an authorized agency specifically designated by the judge or surrogate to examine into the allegations set forth in the petition and to ascertain such other facts relating to the adoptive child and adoptive parents as will give such judge or surrogate adequate basis for determining the propriety of approving the adoption. A written report of such investigation shall be submitted before the order of adoption is made. As used in this subdivision, "disinterested person" includes the probation service of the family court. Such an inquiry shall not be required if the findings of such an inquiry made within the past twelve months is available to the judge or surrogate.

§6. Subdivision 8 of section 112 of the domestic relations law is re-numbered to be subdivision 9 and a new subdivision 8 is added to read as follows:

8. *Before making an order of adoption, the court shall require that the petitioner or petitioners be fingerprinted. The court shall forward such fingerprints, accompanied by the appropriate processing fee, if any, to the division of criminal justice services for a report setting forth any existing criminal record of the petitioner or petitioners, unless such a report has been submitted within the preceding twelve months as part of a pre-adoption certification proceeding pursuant to section one hundred fifteen-d of this chapter.*

§7. This act shall take effect ninety days after it shall have become law and shall be applicable to all petitions then pending.

3. Clarifying statutory time limitations with respect to choice of forum in domestic violence cases (FCA §821, CPL §100.7)

This proposal is intended to reconcile statutory inconsistencies created by enactment of Chapter 667 of the Laws of 1990. That law established "three days, exclusive of Saturdays, Sundays and public holidays" as the period within which victims of domestic violence may change their choice of forum from the Family Court to a local criminal court, or vice versa. However, that change was made only in some sections of the relevant statutes, leaving the old language, "seventy-two hours," in section 100.07 of the Criminal Procedure Law and section 821 of the Family Court Act.

Unless the inconsistency is corrected, confusion will persist as to the actual time restrictions in effect. This situation is particularly disturbing because law enforcement and court personnel are required by law to "advise" complainants as to their rights to proceed in either of the two forums.

This purely technical measure will have no fiscal impact, and would be effective immediately.

AN ACT

to amend the family court act and the criminal procedure law in relation to making technical changes with respect to procedures for family offense proceedings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (e) of subdivision 1 of section 821 of the family court act, as amended by chapter 271 of the laws of 1988, is amended to read as follows:

(e) An allegation that no accusatory instrument alleging an act specified in paragraph (a) of this subdivision has been verified and in existence for more than [seventy-two hours] *three days, exclusive of Saturdays, Sundays and public holidays* with respect to the same act alleged in the petition.

§2. Subdivision 2 of section 821 of the family court act, as amended by chapter 577 of the laws of 1978 is amended to read as follows:

2. No person shall originate a proceeding under this article based upon the same act or transaction which is or was the subject of a criminal accusatory instrument filed by or against such person for more than [seventy-two hours] *three days, exclusive of Saturdays, Sundays and public holidays* after filing or which was determined on the merits by the criminal courts, whichever occurs first.

§3. Subdivision 2 of section 100.07 of the criminal procedure law, as amended by chapter 628 of the laws of 1978 is amended to read as follows:

2. The family court petition remains undisposed for more than [seventy-two hours] *three days, exclusive of Saturdays, Sundays and holidays* after a filing in the family court or after a finding by the family court on the merits of such petition, whichever occurs first.

§4. This act shall take effect immediately.

IV. Pending and future matters

Considerable media attention has been devoted in recent years to the scandalous failure of many non-custodial parents to support their children. Since 1985 requirements for public assistance reimbursements from the federal government to the states have greatly strengthened efforts to establish and collect child support obligations. The Family Court now has a statewide complement of 80 Hearing Examiners, who preside over the more than 60,000 child support petitions filed annually. Their dedicated efforts have enabled New York State to meet the strict timetables enforced by the federal government — for example, that 90% of child support petitions reach a final order within three months.

The Committee is concerned, however, that recent developments threaten to undermine this progress. A last-minute addition to a voluminous 1992 "budget bill" contained a section relating to child support orders that makes "retroactive" orders (final orders made effective to the date the petition was filed) enforceable as "arrears" under the terms of the wage garnishment procedures in the CPLR. Hearing Examiners who are familiar with the entire court record when they make their final orders typically combine a "current" order with a specified amount "payable towards the arrears accrued since the date the petition was filed." The sum "towards arrears" is tailored to what is realistically payable by the parent. In contrast, the income executions now utilized by welfare agencies simply take the maximum amount permitted by law — up to 60% of disposable earnings — notwithstanding a specific order from the Hearing Examiner, and regardless of the parent's prior record of compliance with the temporary order of support. Thus, even those non-custodial parents who have paid support while the court case was pending may find themselves suddenly "in arrears" and subject to punitive wage deductions if the final order of support is for a larger sum than the temporary order.

It is difficult to imagine a more effective means of undermining the court's authority than to permit an administrative seizure of salary in excess of what the court itself ordered. Courts across the state have recounted numerous incidents demonstrating that the integrity and safety of the court, as well as the continued enforcement of the child support obligation, are threatened by such administrative actions. In response to these accounts, the Committee plans to seek the cooperation of the state Office of Child Support Enforcement (OCSE) to limit these actions, and to introduce legislation repealing what appears to be an unnecessary and unwarranted expansion of their use.

A second source of concern arises from a federal mandate scheduled to go into effect in October, 1993, requiring that all child support orders for children receiving public assistance be reviewed not later than thirty-six months from date of entry. We plan to work closely with OCSE to devise procedures that will allow compliance with the federal mandate without sacrificing constitutionally protected rights of the parties.

We also intend to review implementation of Chapter 588 of the Laws of 1991, which was intended to speed the process by which children in foster care might be freed for adoption. Among its many sections were venue provisions intended to have Family Court proceedings to terminate parental rights heard in the counties with the closest connection to the natural family's history. Certain ambiguities in the statute concerning venue for proceedings in the Surrogate's Court (which shares jurisdiction with the Family Court) have threatened to shift some cases from suburban Surrogate's Courts to highly congested Family Courts in New York City. Resolution may require introduction of corrective legislation. We also hope to learn whether presentation of these cases in "home" counties has been accompanied by adequate re-deployment of defense counsel resources, and whether, as the bill's sponsors hoped, fewer defaults by natural parents now occur.

Finally, the Committee will monitor the application of two recently enacted statutes designed to enhance protections afforded child witnesses. Article 65 of the Criminal Procedure Law permits "vulnerable child witnesses" in sexual assault prosecutions to testify via closed circuit television. Family Court Act Section 1038(c) permits videotaping by child sexual abuse experts of their interviews with young victims. Whether these measures are used effectively to enhance the trial process without jeopardizing the rights of the accused remains to be seen. As trial experience and case law develop, the Committee will consider possible amendments to these statutes, as well as revision of its own proposal to expand protections to child witnesses available under the Executive Law. (See Part II, 4.)

We welcome suggestions for other areas of study, and particularly commend the dedicated professionals throughout the state who, through creative and cooperative efforts, stretch the Family Court's resources to meet the need represented by ever-increasing caseloads.

Respectfully submitted,
Professor Kevin C. Fogarty, Chair
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Frank Boccio, Esq.
Hon. Barry Cozier
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Nora Freeman, Esq. (ex officio)
Hon. Michael Gage
Hon. William L. Kellick, Jr.
Hon. Leonard E. Maas
Hon. George D. Marlow
Hon. Kathryn Austin McDonald
Hon. Anthony K. Pomilio
Hon. Adrienne Hofmann Scancarelli
Hon. Mara T. Thorpe

December, 1992

Appendix 1

Other Programs

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Retainer and Closing Statements

Pursuant to 22 NYCRR Parts 603.7, 691.20 and 1022.2, every attorney who enters into a contingent-fee agreement in the First, Second and Fourth Judicial Departments* must file a Statement of Retainer with the Office of Court Administration in cases involving personal injury, property damage, wrongful death, or change of grade. This statement must be filed within 30 days of the date the lawyer is retained (15 days in the case of "of counsel" lawyers). It sets forth the date of the agreement, plaintiff name, the terms of compensation, the agreement as to work and fee division between the original lawyer and the "of counsel" lawyer, and data about the person referring the client to the lawyer.

In addition, every such lawyer must file a Closing Statement with this office within 15 days after receiving or sharing any sum in connection with a claim. This statement must include information as to the gross amount of the settlement or award (if any), the net distribution between client and attorney, and a breakdown of other expenses and disbursements. If an action was commenced, the date, court and county of commencement as well as the method of recovery and the person or company paying the judgement must be included. A closing statement must also be filed if an action is abandoned or if the agreement is terminated without recovery.

The purpose of these statements is to provide information for use by the three Appellate Divisions to prevent the charging of unconscionable fees in contingent fee cases and to discourage the unlawful solicitation of cases.

According to the rules of the Appellate Divisions, all statements filed with this office are deemed to be confidential except upon written order of the presiding justice.

Table A-1 shows that 129,934 retainer statements were filed with the Office of Court Administration in 1992.

Table A-2 gives the breakdown of actions which were terminated during 1992 by court and dollar values of settlements and judgements. The majority of claims closed resulted in at least some monetary recovery. There were 30,366 recoveries in the $1 to $9,999 category; 24,512 in the $10,000 to $29,999 category; 5,578 in the $30,000 to $49,999 category; 5,723 in the $50,000 to $99,999 category; and 4,465 recoveries in excess of $100,000. There were 11,345 actions filed in 1992 which involved no monetary recovery for the plaintiffs.

Statements of Approval of Compensation

Section 35-a of the Judiciary Law, as originally enacted by the Legislature in 1967 required the filing of a Statement of Appointment by each person appointed by the courts to perform services in actions and proceedings for a fee or an allowance. The statute called for these statements to be filed with the Judicial Conference within 30 days of an appointment. The required information included the name and the address of the appointee, the nature of the appointment, the title of litigation, and the name of the court and the judge or justice making the appointment.

In addition, within 30 days of receiving a fee, the appointee was required to execute a Statement of Services Rendered with other pertinent data related to the fee received. Under the statute, all statements filed were to be kept as matters of public record. The law also required that an annual summary of the information in the statement be furnished to the four Appellate Divisions of the Supreme Court for use in supervising court appointments in their Judicial Departments.

An extensive study of this system of two reports for each appointment revealed a number of inefficiencies. Not the least of these was the failure of many appointees to file a Statement of Services Rendered after payment of the fee. To deal with this problem, the Office of Court Administration sponsored legislation amending Section 35-a which was enacted as Chapter 834, Laws of 1975, and which went into effect with appointments made after September 1, 1975.

Under the amended law, judges who approve fees are responsible for filing a single comprehensive statement entitled Statement of Approval of Compensation for appointments in which the fee is more than $200. The judges are required to send the statements to the Office of Court Administration each week for data processing and filing. Fees of $200 or less are not required to be reported.

In 1992, a total of 5,464 Statements of Approval of Compensation were filed with the Office of Court Administration. The system accomplished its intended purpose of obtaining timely reports of compensation approvals without loss of required data provided by the older system.

Appointment of Fiduciaries

Part 36 of the Rules of the Chief Judge were promulgated effective April 1, 1986 (22NYCRR Part 36). These rules require that all appointments of guardians, guardians ad litem, conservators, committees of the incompetent or patient, receivers and persons designated to perform services for receivers be made by the appointing judge from a list of applicants established by the Chief Administrator of the Courts unless the Court finds there is good reason to appoint someone who is not on the list and places a statement to that effect in the file.

No person related to a judge of the Unified Court System of the State of New York shall be eligible for an appointment.

No person or institution shall be eligible to receive more than one appointment within a 12-month period for which the compensation anticipated to be awarded to the appointee exceeds the sum of $5,000 unless exceptional circumstances exist.

Every person or institution receiving an appointment pursuant to this section must file a Statement of Appointment with the Chief Administrator of the Courts by the first business day of the week following the appointment.

The Chief Administrator shall arrange for the periodic publication of the names of all persons and institutions appointed by judges.

As of December 31, 1992, there were 9,696 applications on file from both individuals and institutions. Applicants for fiduciary appointments may list more than one county.

Table A-3 shows the distribution of 9,696 applications filed from April 1, 1986 through December 31, 1992. It also shows the distribution of 1,330 applications filed from January 1, 1992 through December 31, 1992. The number of statements of appointments filed with the Chief Administrator of the Courts for the period January 1, 1992 through December 31, 1992 was 7,143. Table A-4 shows the breakdown of appointments by county.

Attorney Registration

Section 468-a of the Judiciary Law and the Rules of the Chief Administrator (22 NYCRR 118) requires every attorney admitted to practice in New York State on or before January 1, 1982, to file a registration statement with the Chief Administrator of the Courts, and requires every attorney admitted to practice in New York State after January 1, 1986 to file a registration statement prior to taking the constitutional oath of office. The filing requirement is mandatory for all attorneys admitted and licensed to practice law in New York State whether resident or nonresident, and whether or not in good standing.

Every attorney is further required to reregister biennially during each alternate year following their first registration, within thirty (30) days after the attorney's birthday, for as long as the attorney remains duly admitted to the New York Bar. In the event of any change in the business or residence address, or other information on record, the law requires that the Office of Court Administration be notified within thirty (30) days of such change.

An accompanying fee of $300.00 is required with each registration and subsequent reregistration, with only two exceptions defined in the rule; full-time judges and retired attorneys. The Rules of the Chief Administrator (118.1(g)) outlining these exemptions were amended in 1990 to refine the definition attorneys retired from the practice of law to apply only ... "other than the performance of legal services without compensation, when he or she does not practice law in any respect and does not intend ever to engage in acts that will constitute the practice of law". It continues "For purposes of section 468-a of the Judiciary Law, a full-time judge or justice of the Unified Court System of the State of New York, or of a court of any other state or of a federal court, shall be deemed 'retired' from the practice of law.

As of the end of calendar year 1992, approximately 141,659 attorneys were registered with the Office of Court Administration. During calendar year 1992, approximately 82,450 registrations were processed and $24,445,900 in registration fees were recorded.

Table A-5 shows the breakdown of attorneys by county and department of business. Table A-6 gives the breakdown of attorneys by year of birth as furnished in the registration statement.

Adoption Affidavits

According to the Rules of the respective Appellate Divisions, 22 NYCRR Parts 603.23 (1st Dept.), 691.23 (2nd Dept.) 806.14 (3rd Dept.) and 1022.33 (4th Dept.), all attorneys must file an affidavit as a condition to proceed with an adoption. The objective of this filing is to maintain a record of attorneys and agencies involved in adoptions and to record the fees, if any, charged for their services.

Once the attorney has been contacted to represent a client in an adoption proceeding, the attorney prepares a petition requesting an adoption. When the petition is filed, a docket number is issued by the court. The attorney's affidavit is completed in duplicate by the attorney who files one copy with the Office of Court Administration. During 1992, 6,805 adoption affidavits were filed with the Office of Court Administration.

Table A-1
RETAINER STATEMENT FILINGS BY MONTH
January 1, 1992 - December 31, 1992

Month	*Number of Statements*
January	10,846
February	8,496
March	8,741
April	9,784
May	11,849
June	10,655
July	11,969
August	9,976
September	10,850
October	12,639
November	11,921
December	12,208
Total	129,934

Table A-2

COURT AND MONETARY BREAKDOWN OF CLOSING STATEMENTS

January, 1 1992 through December 31, 1992

Amount of Recovery	Supreme Court		U.S. District Court		Court of Claims*		County Court	
	Settled	Judgement	Settled	Judgement	Settled	Judgement	Settled	Judgement
1–499	87	2	4	...	...	...	...	...
500–999	106	...	2	...	...	...	4	...
1000–1999	485	1	6	...	...	...	6	...
2000–2999	754	8	6	...	...	...	3	...
3000–3999	1,088	7	8	...	2	...	...	...
4000–499	1,021	3	5	1	...	...	1	...
5000–5999	1,768	15	11	...	4	...	1	...
6000–6999	1,759	11	6	...	2	...	2	...
7000–7999	2,704	26	15	...	1	...	2	...
8000–8999	1,583	14	4	...	3	...	1	...
9000–9999	1,696	11	5	...	1	...	2	...
10000–14999	7,390	50	50	1	7	...	7	...
15000–19999	4.008	30	36	...	2	1	3	...
20000–24999	2,736	18	27	...	7	1	2	...
25000–29999	2,211	21	24	2	3	...	...	...
30000–34999	1,447	14	24	1	3	...	2	...
35000–49999	3,055	30	48	...	2	1	4	...
50000–99999	4,688	56	117	4	8	1	1	...
100000–up	3,792	69	163	8	11	6	1	...
Total with Recovery	42,378	386	561	17	56	10	42	...
No Recovery	18							

Amount of Recovery	Civil Court		City Court		District Court		Justice Court		No Action**
	Settled	Judgement	Settled	Judgement	Settled	Judgement	Settled	Judgement	Settled
1–499	3	...	...	...	2	...	...	...	3,961
500–999	13	...	2	...	5	...	...	...	163
1000–1999	63	...	3	...	8	...	...	...	735
2000–2999	69	...	6	1	4	...	...	...	833
3000–3999	89	2	6	...	8	1	...	...	1,267
4000–4999	84	2	...	...	2	...	...	...	1,132
5000–5999	111	1	3	...	7	...	...	...	1,558
6000–6999	103	1	1	...	4	1	...	...	1,605
7000–7999	128	...	...	...	2	...	...	...	2,224
8000–8999	72	2	...	...	2	...	...	...	1,301
9000–9999	64	1	...	...	1	...	...	...	1,453
10000–14999	184	2	...	...	9	1	...	..	4,720
15000–19999	65	1	...	...	1	...	...	...	1,467
20000–24999	22	2	...	...	2	...	...	...	847
25000–29999	10	1	...	...	...	...	...	...	541
30000–34999	10	...	...	...	1	...	...	...	319
35000–49999	4	...	...	...	1	...	...	...	612
50000–99999	7	...	...	...	2	...	...	...	839
100000–UP	2	1	1	...	1	...	...	...	410
Total with Recovery	1,103	16	22	1	62	3	...	...	25,987
No Recovery									11,327

Note: Whenever individual closing statements were filed by attorneys acting jointly in a case, each statement received was included in these tabulations. Thus, the number of statements somewhat exceeds the total number of cases closed.

*Includes condemnation as well as tort matters.

**Item 3 of the closing statement requires that the court and date he indicated if an action was commenced. This category includes those statements in which this item is left blank.

Table A-3
APPOINTMENT OF FIDUCIARIES
Application By County
As of 12/31/92

Location	*Individuals*		*Institutions*		*Total**		*Location*	*Individuals*		*Institutions*		*Total**	
	Filed 01/01/92 12/31/92	Filed 04/01/86 12/31/92	Filed 01/01/92 12/31/92	Filed 04/01/86 12/31/92	Filed 01/01/92 12/31/92	Filed 4/01/86 12/31/92		Filed 01/01/92 12/31/92	Filed 04/01/86 12/31/92	Filed 01/01/92 12/31/92	Filed 04/01/86 12/31/92	Filed 01/01/92 12/31/92	Filed 04/01/86 12/31/92
Albany	37	313	...	2	37	315	Niagara	41	513	...	1	41	514
Allegany	5	89	...	2	5	91	Oneida	15	159	...	2	15	161
Bronx	286	1701	...	7	286	1708	Onondaga	16	208	...	1	16	209
Broome	7	255	...	3	7	258	Ontario	18	273	...	2	18	275
Cattaraugus	10	180	...	1	10	181	Orange	47	301	...	1	47	302
Cayuga	15	91	...	1	15	92	Orleans	14	132	...	1	14	133
Chautauqua	15	220	...	1	15	221	Oswego	6	71	...	1	6	72
Chemung	1	53	...	2	1	55	Otsego	5	62	...	2	5	64
Chenango	6	102	...	3	6	105	Putnam	60	402	...	2	60	404
Clinton	5	39	...	1	5	40	Queens	427	2370	...	7	427	2377
Columbia	13	104	...	1	13	105	Renesselaer	23	214	...	1	23	215
Cortland	5	81	...	2	5	83	Richmond	155	852	...	4	155	856
Delaware	4	65	...	3	4	68	Rockland	102	583	...	2	102	585
Duchess	43	351	...	2	43	353	St. Lawrence	5	32	...	1	5	33
Erie	72	903	...	3	72	906	Saratoga	31	245	...	1	31	246
Essex	4	51	...	1	4	52	Schenectady	32	237	...	1	32	238
Franklin	7	40	...	1	7	41	Schoharie	8	40	...	2	8	42
Fulton	6	47	...	1	6	48	Schuyler	2	26	...	1	2	27
Genesee	18	229	...	1	18	230	Seneca	5	48	...	2	5	50
Greene	5	70	...	2	5	72	Steuben	5	105	...	4	5	109
Hamilton	2	16	...	1	2	17	Suffolk	243	1338	...	5	243	1343
Herkimer	9	75	...	1	9	76	Sullivan	11	88	...	2	11	90
Jefferson	3	29	...	1	3	30	Tioga	4	115	...	3	4	118
Kings	427	2478	...	7	427	2485	Tompkins	8	57	...	2	8	59
Lewis	1	20	...	1	1	21	Ulster	17	200	...	1	17	201
Livingston	16	194	...	3	16	197	Warren	14	78	...	1	14	79
Madison	9	123	...	2	9	125	Washington	16	80	...	1	16	81
Monroe	45	599	...	4	45	603	Wayne	20	227	...	2	20	229
Montgomery	9	66	...	1	9	67	Westchester	273	1525	...	4	273	1529
Nassau	344	2032	.	6	344	2038	Wyoming	11	135	...	1	11	136
New York	524	3035	...	8	524	3043	Yates	4	48	...	2	4	50
Totals								3591	24415	...	138	3591	24553

*Applicants may list more than one county. the total for January 1, 1992 through December 31, 1992 represents the distribution of 1,330 applications. The total for April 1, 1986 through December 31, 1992 represents 9,696 applications.

Table A-4
APPOINTMENTS OF FIDUCIARIES
Appointments Reported by County
January 1, 1992 through December 31, 1992

Location	*Total*	*Location*	*Total*
Albany	128	Oneida	102
Allegany	7	Onondaga	149
Bronx	429	Ontario	5
Broome	100	Orange	106
Cattaraugus	27	Orleans	14
Cayuga	20	Oswego	21
Chautauqua	73	Otsego	28
Chemung	39	Putnam	20
Chenango	9	Queens	734
Clinton	28	Rensselaer	37
Columbia	21	Richmond	85
Cortland	16	Rockland	76
Delaware	22	St. Lawrence	25
Dutchess	52	Saratoga	42
Erie	567	Schenectady	66
Essex	17	Schoharie	8
Franklin	18	Schuyler	4
Fulton	23	Seneca	9
Genesee	29	Steuben	32
Greene	7	Suffolk	506
Hamilton	2	Sullivan	31
Herkimer	22	Tioga	23
Jefferson	34	Tompkins	24
Kings	842	Ulster	38
Lewis	--	Warren	20
Livingston	3	Washington	15
Madison	25	Wayne	24
Monroe	244	Westchester	374
Montgomery	21	Wyoming	10
Nassau	506	Yates	10
New York	1085		
Niagara	94		
Total New York State			7,143

Table A-5
ATTORNEY REGISTRATION BY LOCATION
County of Business
1992

Location	*Total*	*Location*	*Total*
Albany	3,115	Otsego	86
Allegany	46	Putnam	174
Bronx	1,801	Queens	3,644
Broome	542	Rensselaer	301
Cattaraugus	89	Richmond	745
Cayuga	91	Rockland	923
Chautauqua	209	St. Lawrence	97
Chemung	154	Saratoga	270
Chenango	66	Schenectady	387
Clinton	103	Schoharie	34
Columbia	118	Schuyler	20
Cortland	53	Seneca	38
Delaware	76	Steuben	123
Dutchess	628	Suffolk	3,725
Erie	3,506	Sullivan	181
Essex	88	Tioga	47
Franklin	56	Tompkins	245
Fulton	64	Ulster	333
Genesee	76	Warren	184
Greene	66	Washington	51
Hamilton	4	Wayne	83
Herkimer	74	Westchester	5,560
Jefferson	148	Wyoming	33
Kings	5,126	Yates	17
Lewis	20		
Livingston	65	Outside New York State	29,810
Madison	80	Missing County	8,735
Monroe	2,592		
Montgomery	83	Total	141,659
Nassau	8,963		
New York	54,090	First Department	55,891
Niagara	330	Second Department	30,170
Oneida	478	Third Department	6,904
Onondaga	1,886	Fourth Department	16,149
Ontario	137		
Orange	682	Outside New York State	29,810
Orleans	26	Missing County	8,735
Oswego	82		
		Total	141,659

Table A-6
ATTORNEY REGISTRATION
By Date of Birth
1992

Date of Birth	*Total*
After 1967	73
1963-1967	13,406
1958-1962	23,775
1953-1957	24,425
1948-1952	21,399
1943-1947	16,386
1938-1942	10,017
1933-1937	7,015
1928-1932	7,458
1923-1927	5,445
1918-1922	3,702
Before 1918	8,023
Missing Dates	535
Total	141,659

Appendix 2

Family Court Data

Under FCA, Sec. 213 and 385

Table A-7
FAMILY COURT
Original Dispositions of Child Protective Petitions: Days From Filing Petition to Completion of Fact-Finding Hearing
1992

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	13040	321	247	298	429	3771	3201	1819	345	20	2589
Total New York City	6866	134	106	130	169	2300	1933	1086	229	16	763
New York	1532	39	21	25	47	596	476	174	41	2	111
Kings	719	4	10	5	34	267	184	91	13	...	111
Queens	1009	57	18	32	33	366	245	145	8	...	105
Bronx	3606	34	57	68	55	1071	1028	676	167	14	436
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	6174	187	141	168	260	1471	1268	733	116	4	1826
Albany	167	17	12	4	20	42	16	...	...	...	56
Allegany	116	...	...	...	...	39	6	21	8	...	42
Broome	171	4	...	2	6	41	69	39	...	...	10
Cattaraugus	198	4	2	...	12	28	32	36	25	...	59
Cayuga	19	...	1	...	2	6	1	4	...	...	5
Chautauqua	87	...	2	3	5	36	18	7	...	...	16
Chemung	119	4	1	4	7	54	34	8	...	1	6
Chenango	5	...	...	...	1	3	...	...	...	...	1
Clinton	132	...	...	...	...	17	45	54	2	...	14
Columbia	12	...	...	...	...	...	3	4	...	...	5
Cortland	17	...	...	...	...	...	3	3	...	...	11
Delaware	27	...	...	1	1	16	3	2	...	...	4
Dutchess	153	1	...	1	1	34	38	31	4	...	43
Erie	735	38	46	46	54	232	119	22	2	...	176
Essex	17	...	...	...	...	1	2	...	...	...	14
Franklin	31	2	...	...	...	2	15	...	...	...	12
Fulton	71	2	8	2	7	17	14	3	2	...	16
Genesèe	35	...	...	...	...	9	12	8	2	...	4
Greene	9	...	...	...	...	6	...	...	...	..	3
Hamilton	1	...	...	...	...	...	...	...	...	...	1
Herkimer	64	5	1	...	3	9	12	6	...	...	28
Jefferson	149	...	...	...	2	7	27	65	5	...	43
Lewis	1	...	...	...	...	1	...	...	...	...	...
Livingston	13	...	...	2	...	6	1	...	...	...	4
Madison	45	...	...	2	4	16	6	3	...	...	14
Monroe	554	3	3	3	10	146	143	32	8	...	206
Montgomery	56	...	...	...	...	20	10	3	...	...	23
Nassau	124	4	4	9	6	22	10	19	4	1	45
Niagara	195	16	15	43	45	9	12	11	7	...	37
Oneida	476	15	9	16	24	129	129	47	1	...	106
Onondaga	429	14	11	3	4	185	69	25	1	...	117
Ontario	22	...	3	3	...	3	8	3	2	...	...
Orange	129	...	2	...	1	43	9	7	...	...	67
Orleans	10	...	...	...	...	...	...	2	1	...	7
Oswego	207	...	...	...	5	25	73	59	1	...	44
Otsego	24	2	...	...	...	4	9	5	...	...	4
Putnam	3	...	...	...	...	...	...	...	...	...	3
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	173	2	2	1	10	70	30	20	4	...	34
St.Lawrence	114	2	...	...	...	13	63	18	1	...	17
Saratoga	126	3	...	...	4	20	12	31	4	...	52
Schenectady	387	32	2	5	11	76	46	35	9	...	171
Schoharie	16	2	...	...	1	2	2	3	...	...	6
Schuyler	13	...	...	...	...	4	2	...	...	...	7
Seneca	50	...	...	...	...	1	17	8	9	1	14
Steuben	64	6	2	2	2	7	8	11	5	...	21
Suffolk	149	...	2	10	4	22	10	...	...	...	101
Sullivan	12	2	...	...	...	...	...	3	...	...	7
Tioga	...	...	...	...	...	...	...	..	...	...	...
Tompkins	100	1	4	3	...	2	62	17	...	...	11
Ulster	132	4	...	2	1	6	17	31	...	...	71
Warren	42	...	...	...	...	4	5	7	9	1	16
Washington	59	1	1	...	2	16	10	5	...	...	24
Wayne	23	...	...	...	...	...	10	9	...	...	4
Westchester	62	1	8	...	1	18	16	4	...	...	14
Wyoming	6	...	...	1	1	...	1	2	...	...	1
Yates	23	...	...	...	3	2	9	...	...	...	9

* Disposed Before Fact-Finding

Table A-8
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Days From Filing Petition to Completion of Fact-Finding Hearing
1992

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	2129	29	39	33	37	359	615	514	131	10	362
Total New York City	823	1	14	...	3	128	244	251	96	7	79
New York	130	...	...	...	...	7	32	47	26	2	16
Kings	78	...	1	...	...	5	25	29	1	...	17
Queens	110	1	3	...	...	40	24	28	3	...	11
Bronx	505	...	10	...	3	76	163	147	66	5	35
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	1306	28	25	33	34	231	371	263	35	3	283
Albany	30	...	...	4	...	6	6	...	...	...	14
Allegany	19	...	...	...	...	3	4	6	1	...	5
Broome	55	2	...	1	...	7	35	7	...	...	3
Cattaraugus	16	...	...	...	...	1	...	6	5	...	4
Cayuga	4	...	...	...	...	...	1	...	...	...	3
Chautauqua	10	...	2	1	...	4	1	2	...	...	...
Chemung	25	...	...	...	...	15	4	5	...	1	...
Chenango	1	...	...	...	1	...	...	...	...	...	...
Clinton	36	...	...	...	...	3	14	15	...	...	4
Columbia	7	...	...	...	...	...	1	4	...	...	2
Cortland	1	...	...	...	...	...	1	...	...	...	...
Delaware	10	...	...	1	1	7	...	...	...	...	1
Dutchess	31	1	...	1	...	2	3	19	1	...	4
Erie	117	3	13	5	4	36	24	9	...	...	23
Essex	3	...	...	...	...	1	...	...	...	...	2
Franklin	13	...	...	...	...	1	11	...	...	...	1
Fulton	19	2	2	...	...	3	4	...	2	...	6
Genesee	19	...	...	...	...	2	10	6	...	...	1
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	22	...	1	...	...	...	10	4	...	...	7
Jefferson	65	...	...	...	...	1	10	38	2	...	14
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	2	...	...	...	...	...	1	...	...	...	1
Madison	12	...	...	2	1	4	1	3	...	...	1
Monroe	132	...	...	1	8	20	42	15	6	...	40
Montgomery	24	...	...	...	...	9	2	3	...	...	10
Nassau	11	2	...	1	...	2	1	...	...	...	5
Niagara	29	1	...	11	1	2	7	1	1	...	5
Oneida	61	2	...	1	5	10	21	17	1	...	4
Onondaga	78	3	2	1	3	29	19	4	...	...	17
Ontario	9	...	...	...	...	1	3	3	2	...	...
Orange	20	...	...	...	...	7	2	3	...	...	8
Orleans	4	...	...	...	...	...	...	2	1	...	1
Oswego	59	...	...	...	...	18	20	12	1	...	8
Otsego	15	2	...	...	...	2	4	3	...	...	4
Putnam	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	24	1	...	...	2	...	6	5	...	...	10
St.Lawrence	50	1	...	...	...	2	26	15	1	...	5
Saratoga	20	1	...	...	2	3	...	4	1	...	9
Schenectady	99	4	...	1	2	20	16	16	5	...	35
Schoharie	6	2	...	...	...	...	2	1	...	...	1
Schuyler	4	...	...	...	...	2	2	...	...	...	...
Seneca	7	...	...	...	...	1	...	4	1	1	...
Steuben	19	1	1	...	2	2	2	4	3	...	4
Suffolk	12	...	...	2	...	5	2	...	...	...	3
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	58	...	4	...	...	...	40	6	...	...	8
Ulster	10	...	...	...	...	...	1	6	...	...	3
Warren	10	...	...	...	...	...	2	4	1	1	2
Washington	3	...	...	...	...	...	...	1	...	...	2
Wayne	9	...	...	...	...	...	3	4	...	...	2
Westchester	7	...	...	...	...	...	2	4	...	...	1
Wyoming	4	...	...	...	1	...	1	2	...	...	...
Yates	5	...	...	...	1	...	4	...	...	...	...

* Disposed Before Fact-Finding

Table A-9
FAMILY COURT
Original Dispositions of Child Protective Petitions:
Days From Completion of Fact-Finding Hearing to Completion of Dispositional Hearing

1992

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic- able*
Total New York State	13040	5694	78	78	152	2759	1141	414	119	16	2589
Total New York City	6866	2720	36	35	79	2070	816	267	71	9	763
New York	1532	449	9	11	21	671	205	53	1	1	111
Kings	719	208	1	...	7	264	99	23	6	...	111
Queens	1009	265	1	6	5	376	169	63	19	...	105
Bronx	3606	1798	25	18	46	759	343	128	45	8	436
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	6174	2974	42	43	73	689	325	147	48	7	1826
Albany	167	84	...	...	8	8	11	...	...	...	56
Allegany	116	26	...	...	1	3	31	8	5	...	42
Broome	171	125	2	3	2	18	3	6	2	...	10
Cattaraugus	198	98	...	...	2	15	10	8	6	...	59
Cayuga	19	6	...	...	6	1	...	1	...	...	5
Chautauqua	87	51	...	1	3	7	8	1	...	...	16
Chemung	119	75	4	5	6	18	2	3	...	...	6
Chenango	5	4	...	...	...	...	...	...	...	...	1
Clinton	132	97	...	...	...	9	2	10	...	...	14
Columbia	12	6	...	...	...	1	...	...	...	...	5
Cortland	17	6	...	...	...	...	...	...	...	...	11
Delaware	27	8	...	...	...	12	1	2	...	...	4
Dutchess	153	100	2	1	...	7	...	...	...	...	43
Erie	735	531	5	1	3	14	3	...	2	...	176
Essex	17	1	...	...	...	...	2	...	...	...	14
Franklin	31	18	...	1	...	...	...	...	...	...	12
Fulton	71	45	2	4	...	3	...	1	...	...	16
Genesee	35	11	2	2	2	12	...	2	...	...	4
Greene	9	5	...	...	...	1	...	...	...	...	3
Hamilton	1	...	...	...	...	...	...	...	...	...	1
Herkimer	64	27	1	...	...	4	4	...	...	...	28
Jefferson	149	86	...	...	2	6	10	1	1	...	43
Lewis	1	1	...	...	...	...	...	...	...	...	...
Livingston	13	9	...	...	...	...	...	...	...	...	4
Madison	45	27	..	...	...	...	1	3	...	...	14
Monroe	554	287	11	5	9	14	13	9	...	...	206
Montgomery	56	24	...	1	1	7	...	...	...	...	23
Nassau	124	10	...	...	...	8	26	20	8	7	45
Niagara	195	97	...	...	...	28	31	2	...	...	37
Oneida	476	97	...	...	4	208	45	12	4	...	106
Onondaga	429	206	1	1	...	74	23	7	...	...	117
Ontario	22	5	1	6	...	...	...	1	9	...	...
Orange	129	57	...	...	...	4	1	...	...	...	67
Orleans	10	2	...	...	...	1	...	...	...	...	7
Oswego	207	122	3	1	4	30	3	...	...	...	44
Otsego	24	1	...	...	...	7	6	6	...	...	4
Putnam	3	...	...	...	...	..	...	...	...	...	3
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	173	92	...	2	...	21	19	3	2	...	34
St.Lawrence	114	14	...	...	...	79	2	2	...	...	17
Saratoga	126	46	...	1	...	4	3	14	6	...	52
Schenectady	387	182	2	1	7	17	7	...	...	...	171
Schoharie	16	10	...	...	...	...	...	...	...	...	6
Schuyler	13	3	...	3	...	...	...	...	...	...	7
Seneca	50	13	3	...	8	7	1	4	...	...	14
Steuben	64	43	...	...	...	...	...	...	...	...	21
Suffolk	149	35	...	1	4	3	2	3	...	...	101
Sullivan	12	1	...	...	...	1	3	...	...	...	7
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	100	62	3	1	...	11	11	1	...	...	11
Ulster	132	17	...	...	...	11	21	11	1	...	71
Warren	42	18	...	...	...	...	5	3	...	...	16
Washington	59	34	...	1	...	...	...	...	...	...	24
Wayne	23	12	...	...	...	3	4	...	...	...	4
Westchester	62	29	...	1	1	9	8	...	...	...	14
Wyoming	6	1	...	...	...	3	1	...	...	...	1
Yates	23	7	...	...	...	...	2	3	2	...	9

* Disposed Before Fact-Finding

Table A-10
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Days From Completion of Fact-Finding Hearing to Completion of Dispositional Hearing
1992

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	2129	949	28	24	28	425	215	81	17	...	362
Total New York City	823	288	17	5	10	230	139	49	6	...	79
New York	130	17	...	...	...	62	22	13	...	...	16
Kings	78	15	1	...	...	27	16	2	...	...	17
Queens	110	18	...	5	...	30	38	8	...	...	11
Bronx	505	238	16	...	10	111	63	26	6	...	35
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	1306	661	11	19	18	195	76	32	11	...	283
Albany	30	11	...	...	...	...	5	...	...	...	14
Allegany	19	8	...	...	...	3	2	1	...	...	5
Broome	55	37	...	1	...	5	1	6	2	...	3
Cattaraugus	16	11	...	...	...	1	...	...	...	...	4
Cayuga	4	...	...	...	...	1	...	...	...	...	3
Chautauqua	10	8	...	1	...	...	...	1	...	...	...
Chemung	25	11	...	1	4	6	...	3	...	...	...
Chenango	1	1	...	...	...	...	...	...	...	...	...
Clinton	36	30	...	...	...	...	2	...	...	...	4
Columbia	7	5	...	...	...	...	...	...	...	...	2
Cortland	1	1	...	...	...	...	...	...	...	...	...
Delaware	10	1	...	...	...	7	1	...	...	...	1
Dutchess	31	18	1	1	...	7	...	...	...	...	4
Erie	117	89	...	...	...	3	...	...	2	...	23
Essex	3	1	...	...	...	...	...	...	...	...	2
Franklin	13	11	...	1	...	...	...	...	...	...	1
Fulton	19	8	2	2	...	...	...	1	...	...	6
Genesee	19	8	...	2	...	6	...	2	...	...	1
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	22	11	...	...	...	...	4	...	...	...	7
Jefferson	65	37	...	...	2	2	10	...	...	...	14
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	2	1	...	...	...	...	...	...	...	...	1
Madison	12	10	...	...	...	...	1	...	...	...	1
Monroe	132	75	4	4	3	4	1	1	...	...	40
Montgomery	24	9	...	1	1	3	...	...	...	...	10
Nassau	11	1	...	...	...	1	1	...	3	...	5
Niagara	29	12	...	...	...	2	8	2	...	...	5
Oneida	61	8	...	...	...	44	5	...	...	...	4
Onondaga	78	34	...	...	...	22	4	1	...	...	17
Ontario	9	5	1	...	...	...	...	...	3	...	...
Orange	20	12	...	...	...	...	...	...	...	...	8
Orleans	4	2	...	...	...	1	...	...	...	...	1
Oswego	59	39	...	...	1	8	3	...	...	...	8
Otsego	15	...	...	...	...	2	5	4	...	...	4
Putnam	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	24	9	...	...	...	3	1	1	...	...	10
St.Lawrence	50	5	...	...	...	38	...	2	...	...	5
Saratoga	20	9	...	1	...	1	...	...	...	...	9
Schenectady	99	54	...	1	1	8	...	...	...	...	35
Schoharie	6	5	...	...	...	...	...	...	...	...	1
Schuyler	4	3	...	1	...	...	...	...	...	...	...
Seneca	7	...	...	...	5	2	...	...	...	...	...
Steuben	19	15	...	...	...	...	...	...	...	...	4
Suffolk	12	5	...	1	1	...	2	...	...	...	3
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	58	32	3	1	...	5	8	1	...	...	8
Ulster	10	...	...	...	...	2	4	...	1	...	3
Warren	10	4	...	...	...	...	1	3	...	...	2
Washington	3	1	...	...	...	...	...	...	...	...	2
Wayne	9	2	...	...	...	3	2	...	...	...	2
Westchester	7	...	...	...	...	2	4	...	...	...	1
Wyoming	4	...	...	...	...	3	1	...	...	...	...
Yates	5	2	...	...	...	...	...	3	...	...	...

* Disposed Before Fact-Finding

Table A-11
FAMILY COURT
Original Dispositions of Child Protective Petitions: Type of Petition
1992

Location	Total	Original Abuse Petition	Original Neglect Petition	Pins Petition	Petition Substituted For JO Petition	Petition Substituted For FO Petition	Other Petition
Total New York State	13040	2161	10851	8	2	2	16
Total New York City	6866	856	6004	4	1	...	1
New York	1532	141	1389	2	...	...	...
Kings	719	79	640	...	...	...	...
Queens	1009	114	894	1	...	...	...
Bronx	3606	522	3081	1	1	...	1
Richmond	...	...	...	...	...	...	...
Total Upstate	6174	1305	4847	4	1	2	15
Albany	167	30	137	...	...	...	...
Allegany	116	19	97	...	...	...	...
Broome	171	57	114	...	...	...	...
Cattaraugus	198	16	182	...	...	...	...
Cayuga	19	4	15	...	...	...	...
Chautauqua	87	10	77	...	...	...	...
Chemung	119	24	95	...	...	...	...
Chenango	5	1	4	...	...	...	...
Clinton	132	34	98	...	...	...	...
Columbia	12	7	5	...	...	...	...
Cortland	17	1	16	...	...	...	...
Delaware	27	12	15	...	...	...	...
Dutchess	153	32	120	1	...	...	...
Erie	735	122	609	3	1	...	...
Essex	17	3	14	...	...	...	...
Franklin	31	13	18	...	...	...	...
Fulton	71	19	52	...	...	...	...
Genesee	35	19	16	...	...	...	...
Greene	9	...	9	...	...	...	...
Hamilton	1	...	1	...	...	...	...
Herkimer	64	22	42	...	...	...	...
Jefferson	149	55	94	...	...	...	...
Lewis	1	...	1	...	...	...	...
Livingston	13	2	11	...	...	...	...
Madison	45	12	33	...	...	...	...
Monroe	554	134	420	...	...	...	...
Montgomery	56	24	32	...	...	...	...
Nassau	124	8	114	...	...	...	2
Niagara	195	30	165	...	...	...	...
Oneida	476	65	411	...	...	...	...
Onondaga	429	77	345	...	...	1	6
Ontario	22	9	13	...	...	...	...
Orange	129	20	109	...	...	...	...
Orleans	10	4	6	...	...	...	...
Oswego	207	60	147	...	...	...	...
Otsego	24	11	13	...	...	...	...
Putnam	3	...	3	...	...	...	...
Rensselaer	...	...	...	...	...	...	...
Rockland	173	24	149	...	...	...	...
St.Lawrence	114	50	64	...	...	...	...
Saratoga	126	19	107	...	...	...	...
Schenectady	387	99	288	...	...	...	...
Schoharie	16	6	10	...	...	...	...
Schuyler	13	4	9	...	...	...	...
Seneca	50	7	43	...	...	...	...
Steuben	64	20	44	...	...	...	...
Suffolk	149	13	129	...	...	...	7
Sullivan	12	...	12	...	...	...	...
Tioga	...	...	...	...	...	...	...
Tompkins	100	58	42	...	...	...	...
Ulster	132	10	122	...	...	...	...
Warren	42	10	32	...	...	...	...
Washington	59	3	56	...	...	...	...
Wayne	23	10	13	...	...	...	...
Westchester	62	7	54	...	...	1	...
Wyoming	6	4	2	...	...	...	...
Yates	23	5	18	...	...	...	...

Table A-12
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Type of Petition
1992

Location	Total	Original Abuse Petition	Original Neglect Petition	Pins Petition	Petition Substituted For		Other Petition
					JO Petition	FO Petition	
Total New York State	2129	2071	57	...	...	1	...
Total New York City	823	813	10	...	...	...	...
New York	130	129	1	...	...	...	...
Kings	78	76	2	...	...	...	...
Queens	110	107	3	...	...	...	...
Bronx	505	501	4	...	...	...	...
Richmond	...	...	...	...	...	...	...
Total Upstate	1306	1258	47	...	...	1	...
Albany	30	30	...	...	...	...	...
Allegany	19	18	1	...	...	...	...
Broome	55	55	...	...	...	...	...
Cattaraugus	16	16	...	...	...	...	...
Cayuga	4	4	...	...	...	...	...
Chautauqua	10	10	...	...	...	...	...
Chemung	25	22	3	...	...	...	...
Chenango	1	1	...	...	...	...	...
Clinton	36	34	2	...	...	...	...
Columbia	7	7	...	...	...	...	...
Cortland	1	1	...	...	...	...	...
Delaware	10	10	...	...	...	...	...
Dutchess	31	30	1	...	...	...	...
Erie	117	115	2	...	...	...	...
Essex	3	3	...	...	...	...	...
Franklin	13	13	...	...	...	...	...
Fulton	19	19	...	...	...	...	...
Genesee	19	19	...	...	...	...	...
Greene	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...
Herkimer	22	22	...	...	...	...	...
Jefferson	65	55	10	...	...	...	...
Lewis	...	...	...	...	...	...	...
Livingston	2	2	...	...	...	...	...
Madison	12	12	...	...	...	...	...
Monroe	132	132	...	...	...	...	...
Montgomery	24	24	...	...	...	...	...
Nassau	11	5	6	...	...	...	...
Niagara	29	28	1	...	...	...	...
Oneida	61	58	3	...	...	...	...
Onondaga	78	75	3	...	...	...	...
Ontario	9	9	...	...	...	...	...
Orange	20	20	...	...	...	...	...
Orleans	4	4	...	...	...	...	...
Oswego	59	57	2	...	...	...	...
Otsego	15	11	4	...	...	...	...
Putnam	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...
Rockland	24	23	1	...	...	...	...
St.Lawrence	50	50	...	...	...	...	...
Saratoga	20	18	2	...	...	...	...
Schenectady	99	95	4	...	...	...	...
Schoharie	6	6	...	...	...	...	...
Schuyler	4	4	...	...	...	...	...
Seneca	7	7	...	...	...	...	...
Steuben	19	19	...	...	...	...	...
Suffolk	12	12	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...
Tompkins	58	58	...	...	...	...	...
Ulster	10	9	1	...	...	...	...
Warren	10	10	...	...	...	...	...
Washington	3	3	...	...	...	...	...
[illegible]ayne	9	8	1	...	...	...	...
[illegible]estchester	7	6	...	...	...	1	...
Wyoming	4	4	...	...	...	...	...
Yates	5	5	...	...	...	...	...

Table A-13
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Outcome of Fact-Finding
1992

Location	Total	Abuse/Neglect Established After Fact-Finding	Abuse/Neglect Established By Consent	Allegation Not Established After Fact-Finding	Not Applicable*
Total New York State	13040	3790	6528	134	2588
Total New York City	6866	3166	2900	37	763
New York	1532	965	443	13	111
Kings	719	306	297	5	111
Queens	1009	253	648	3	105
Bronx	3606	1642	1512	16	436
Richmond	...	...	...	...	...
Total Upstate	6174	624	3628	97	1825
Albany	167	1	111	...	55
Allegany	116	...	74	...	42
Broome	171	2	159	...	10
Cattaraugus	198	12	125	2	59
Cayuga	19	...	14	...	5
Chautauqua	87	7	64	...	16
Chemung	119	10	99	4	6
Chenango	5	...	4	...	1
Clinton	132	25	87	6	14
Columbia	12	4	3	...	5
Cortland	17	1	4	1	11
Delaware	27	7	14	2	4
Dutchess	153	19	89	2	43
Erie	735	58	499	2	176
Essex	17	...	3	...	14
Franklin	31	1	18	...	12
Fulton	71	4	51	...	16
Genesee	35	2	29	...	4
Greene	9	...	6	...	3
Hamilton	1	...	...	...	1
Herkimer	64	...	36	...	28
Jefferson	149	8	98	...	43
Lewis	1	1	...	...	...
Livingston	13	...	9	...	4
Madison	45	2	29	...	14
Monroe	554	42	290	16	206
Montgomery	56	1	28	4	23
Nassau	124	16	61	2	45
Niagara	195	18	134	6	37
Oneida	476	87	274	9	106
Onondaga	429	99	202	11	117
Ontario	22	9	5	8	...
Orange	129	7	52	3	67
Orleans	10	...	3	...	7
Oswego	207	2	161	...	44
Otsego	24	7	13	...	4
Putnam	3	...	...	...	3
Rensselaer	...	...	...	...	...
Rockland	173	14	125	...	34
St.Lawrence	114	37	59	1	17
Saratoga	126	4	70	...	52
Schenectady	387	27	182	7	171
Schoharie	16	2	8	...	6
Schuyler	13	4	2	...	7
Seneca	50	4	32	...	14
Steuben	64	3	40	...	21
Suffolk	149	6	42	...	101
Sullivan	12	3	2	...	7
Tioga	...	...	...	...	...
Tompkins	100	13	73	3	11
Ulster	132	28	30	3	71
Warren	42	4	18	4	16
Washington	59	3	32	...	24
Wayne	23	2	17	...	4
Westchester	62	14	33	1	14
Wyoming	6	2	3	...	1
Yates	23	2	12	...	9

* Disposed Before FF: (Withdrawn, Consol., Trans., Dism.)

Table A-14
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Outcome of Fact-Finding
1992

Location	Total	Abuse/Neglect Established After Fact-Finding	Abuse/Neglect Established By Consent	Allegation Not Established After Fact-Finding	Not Applicable*
Total New York State	2129	792	926	49	362
Total New York City	823	569	166	9	79
New York	130	97	15	2	16
Kings	78	31	30	...	17
Queens	110	51	48	...	11
Bronx	505	390	73	7	35
Richmond	...	...	...	...	...
Total Upstate	1306	223	760	40	283
Albany	30	...	16	...	14
Allegany	19	...	14	...	5
Broome	55	...	52	...	3
Cattaraugus	16	5	7	...	4
Cayuga	4	...	1	...	3
Chautauqua	10	...	10	...	...
Chemung	25	3	22	...	...
Chenango	1	...	1	...	...
Clinton	36	9	17	6	4
Columbia	7	3	2	...	2
Cortland	1	...	1	...	...
Delaware	10	6	3	...	1
Dutchess	31	8	18	1	4
Erie	117	7	87	...	23
Essex	3	...	1	...	2
Franklin	13	1	11	...	1
Fulton	19	1	12	...	6
Genesee	19	2	16	...	1
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	22	...	15	...	7
Jefferson	65	5	46	...	14
Lewis	...	...	...	...	...
Livingston	2	...	1	...	1
Madison	12	1	10	...	1
Monroe	132	15	69	8	40
Montgomery	24	1	13	...	10
Nassau	11	4	2	...	5
Niagara	29	4	17	3	5
Oneida	61	27	30	...	4
Onondaga	78	28	27	6	17
Ontario	9	4	2	3	...
Orange	20	...	9	3	8
Orleans	4	...	3	...	1
Oswego	59	2	49	...	8
Otsego	15	5	6	...	4
Putnam	...	...	...	...	...
Rensselaer	...	...	...	...	...
Rockland	24	4	10	...	10
St.Lawrence	50	26	18	1	5
Saratoga	20	1	10	...	9
Schenectady	99	14	48	2	35
Schoharie	6	2	3	...	1
Schuyler	4	2	2	...	...
Seneca	7	3	4	...	...
Steuben	19	...	15	...	4
Suffolk	12	2	7	...	3
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	58	12	35	3	8
Ulster	10	5	2	...	3
Warren	10	3	1	4	2
Washington	3	...	1	...	2
Wayne	9	...	7	...	2
Westchester	7	6	...	...	1
Wyoming	4	2	2	...	...
Yates	5	...	5	...	...

* Disposed Before FF: (Withdrawn, Consol., Trans., Dism.)

Table A-15
FAMILY COURT
Original Dispositions of Child Protective Petitions: Breakdown of Dispositions (Allegations Not Established)
1992

		Dispositions - Allegations Not Established						
Location	Total	With-Drawn	Consolidated	Transferred to Other County	ACD	Dismissed After FF-Hearing	Other Dismissal	Total Dispos.-Allegation Established
Total New York State	13040	797	31	28	1522	146	380	10136
Total New York City	6866	295	4	3	402	51	150	5961
New York	1532	51	1	1	48	15	25	1391
Kings	719	33	...	...	68	12	7	599
Queens	1009	37	...	...	87	3	10	872
Bronx	3606	174	3	2	199	21	108	3099
Richmond	...	...	...	...	...	...	...	...
Total Upstate	6174	502	27	25	1120	95	230	4175
Albany	167	...	...	...	42	...	35	90
Allegany	116	22	...	...	19	...	...	75
Broome	171	...	2	1	4	...	3	161
Cattaraugus	198	9	...	1	45	2	3	138
Cayuga	19	2	...	...	2	...	2	13
Chautauqua	87	8	...	...	10	...	3	66
Chemung	119	1	...	...	5	4	4	105
Chenango	5	...	...	...	1	...	...	4
Clinton	132	1	...	...	3	6	10	112
Columbia	12	5	...	...	...	...	...	7
Cortland	17	...	...	...	7	...	3	7
Delaware	27	...	...	...	4	2	...	21
Dutchess	153	17	...	...	28	2	5	101
Erie	735	27	7	5	91	2	37	566
Essex	17	...	...	...	13	...	1	3
Franklin	31	8	...	...	...	...	4	19
Fulton	71	7	...	...	9	...	...	55
Genesee	35	1	...	...	7	...	...	27
Greene	9	1	...	...	2	...	...	6
Hamilton	1	...	...	...	...	...	1	...
Herkimer	64	2	...	3	23	...	...	36
Jefferson	149	12	...	...	31	...	...	106
Lewis	1	...	...	...	...	...	...	1
Livingston	13	2	...	...	2	...	...	9
Madison	45	...	...	...	9	...	1	35
Monroe	554	65	5	5	111	28	10	330
Montgomery	56	4	...	...	14	4	5	29
Nassau	124	11	...	1	30	...	7	75
Niagara	195	10	...	...	33	3	2	147
Oneida	476	35	...	...	74	9	...	358
Onondaga	429	57	...	4	22	11	30	305
Ontario	22	...	...	...	9	...	...	13
Orange	129	8	...	...	47	...	15	59
Orleans	10	...	...	...	7	...	...	3
Oswego	207	8	...	3	36	...	...	160
Otsego	24	...	...	...	4	...	...	20
Putnam	3	...	...	...	3	...	...	...
Rensselaer	...	...	...	...	...	...	...	...
Rockland	173	11	...	...	25	...	3	134
St.Lawrence	114	12	...	...	4	1	1	96
Saratoga	126	20	5	...	36	1	10	54
Schenectady	387	35	5	2	129	10	12	194
Schoharie	16	...	...	...	6	...	...	10
Schuyler	13	3	...	...	4	...	...	6
Seneca	50	4	2	...	8	...	...	36
Steuben	64	...	...	...	18	...	3	43
Suffolk	149	38	...	...	46	...	11	54
Sullivan	12	2	...	...	4	...	1	5
Tioga	...	...	...	...	...	...	...	...
Tompkins	100	8	...	...	...	3	3	86
Ulster	132	26	...	...	50	2	1	53
Warren	42	1	1	...	17	4	1	18
Washington	59	9	...	...	15	...	...	35
Wayne	23	1	...	...	2	...	...	20
Westchester	62	7	...	...	2	1	3	49
Wyoming	6	...	...	...	...	...	...	6
Yates	23	2	...	...	7	...	...	14

Table A-16
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Breakdown of Dispositions (Allegations Not Established)
1992

		Dispositions - Allegations Not Established						
Location	Total	With-Drawn	Consolidated	Transferred to Other County	ACD	Dismissed After FF-Hearing	Other Dismissal	Total Dispos.-Allegations Established
Total New York State	2129	140	9	8	167	48	58	1699
Total New York City	823	29	...	...	44	11	18	721
New York	130	9	...	...	9	2	...	110
Kings	78	...	...	...	14	...	3	61
Queens	110	8	...	...	4	...	...	98
Bronx	505	12	...	...	17	9	15	452
Richmond	...	...	...	...	...	...	...	...
Total Upstate	1306	111	9	8	123	37	40	978
Albany	30	...	...	...	5	...	8	17
Allegany	19	4	...	...	1	...	...	14
Broome	55	...	2	...	...	...	1	52
Cattaraugus	16	...	...	...	3	...	1	12
Cayuga	4	1	...	...	...	...	2	1
Chautauqua	10	...	...	...	...	...	...	10
Chemung	25	...	...	...	2	...	...	23
Chenango	1	...	...	...	...	...	...	1
Clinton	36	...	...	...	...	6	...	30
Columbia	7	2	...	...	...	...	...	5
Cortland	1	...	...	...	...	...	...	1
Delaware	10	...	...	...	1	...	...	9
Dutchess	31	3	...	...	...	1	1	26
Erie	117	8	2	...	11	...	3	93
Essex	3	...	...	...	1	...	1	1
Franklin	13	...	...	...	...	...	1	12
Fulton	19	6	...	...	...	...	...	13
Genesee	19	...	...	...	3	...	...	16
Greene	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...
Herkimer	22	...	...	...	7	...	...	15
Jefferson	65	7	...	...	7	...	...	51
Lewis	...	...	...	...	...	...	...	...
Livingston	2	1	...	...	...	...	...	1
Madison	12	...	...	...	1	...	...	11
Monroe	132	14	...	4	20	10	...	84
Montgomery	24	2	...	...	5	...	3	14
Nassau	11	1	...	...	4	...	...	6
Niagara	29	2	...	...	3	3	...	21
Oneida	61	2	...	...	2	...	...	57
Onondaga	78	10	...	1	2	6	3	56
Ontario	9	...	...	...	3	...	...	6
Orange	20	2	...	...	2	...	7	9
Orleans	4	...	...	...	1	...	...	3
Oswego	59	...	...	1	8	...	...	50
Otsego	15	...	...	...	4	...	...	11
Putnam	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...
Rockland	24	6	...	...	3	...	3	12
St.Lawrence	50	5	...	...	...	1	...	44
Saratoga	20	6	...	...	2	1	1	10
Schenectady	99	16	5	2	13	2	1	60
Schoharie	6	...	...	...	1	...	...	5
Schuyler	4	...	...	...	...	...	...	4
Seneca	7	...	...	...	...	...	...	7
Steuben	19	...	...	...	3	...	1	15
Suffolk	12	1	...	...	2	...	...	9
Sullivan	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...
Tompkins	58	6	...	...	...	3	2	47
Ulster	10	3	...	...	...	...	...	7
Warren	10	1	...	...	...	4	1	4
Washington	3	1	...	...	1	...	...	1
Wayne	9	...	...	...	2	...	...	7
Westchester	7	1	...	...	...	...	...	6
Wyoming	4	...	...	...	...	...	...	4
Yates	5	...	...	...	...	...	...	5

Table A-17
FAMILY COURT
Original Dispositions of Child Protective Petitions: Breakdown of Dispositions (Allegations Established)
1992

Location	Total	Suspended Judgement	Released to Parent or Responsible Person	Released to Parent or Resp. Person Under Supervision	Discharged to SS For Adoption	Placement		
						Reliable or Suitable Person	Comm. of Social Services	Other Authorized Agency
Total New York State	10136	69	628	3100	76	426	5825	12
Total New York City	5961	6	308	1243	68	247	4079	10
New York	1391	...	57	213	...	31	1085	5
Kings	599	...	25	81	1	91	401	...
Queens	872	6	49	252	...	115	450	...
Bronx	3099	...	177	697	67	10	2143	5
Richmond	...	...	...	...	...	...	...	...
Total Upstate	4175	63	320	1857	8	179	1746	2
Albany	90	...	...	45	...	...	45	...
Allegany	75	...	27	34	...	5	9	...
Broome	161	...	3	56	...	7	95	...
Cattaraugus	138	...	26	43	1	4	64	...
Cayuga	13	...	...	...	...	2	11	...
Chautauqua	66	...	3	36	...	3	24	...
Chemung	105	2	7	54	...	...	42	...
Chenango	4	...	...	2	...	...	2	...
Clinton	112	...	8	52	...	11	41	...
Columbia	7	...	...	...	...	...	7	...
Cortland	7	...	...	5	...	...	2	...
Delaware	21	...	3	9	...	1	8	...
Dutchess	101	...	3	15	...	31	52	...
Erie	566	3	12	203	...	3	345	...
Essex	3	...	...	...	...	1	2	...
Franklin	19	...	1	...	...	5	13	...
Fulton	55	...	3	48	...	...	4	...
Genesee	27	...	...	16	...	2	9	...
Greene	6	...	...	1	...	...	5	...
Hamilton	...	...	...	...	...	...	...	...
Herkimer	36	7	1	23	...	...	5	...
Jefferson	106	...	7	40	...	6	53	...
Lewis	1	...	...	...	...	...	1	...
Livingston	9	...	1	2	...	...	6	...
Madison	35	8	8	14	...	1	4	...
Monroe	330	...	...	242	...	...	88	...
Montgomery	29	...	...	18	...	...	11	...
Nassau	75	...	3	42	...	...	29	1
Niagara	147	...	7	112	...	1	27	...
Oneida	358	...	45	109	...	2	202	...
Onondaga	305	...	30	156	1	35	83	...
Ontario	13	...	...	9	...	...	4	...
Orange	59	...	5	31	...	1	22	...
Orleans	3	...	...	1	...	...	2	...
Oswego	160	...	...	87	...	...	73	...
Otsego	20	...	1	7	...	8	4	...
Putnam	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...
Rockland	134	13	16	59	...	6	40	...
St.Lawrence	96	...	13	31	...	8	44	...
Saratoga	54	16	3	28	...	...	7	...
Schenectady	194	...	29	72	6	1	85	1
Schoharie	10	...	...	3	...	2	5	...
Schuyler	6	...	2	...	...	3	1	...
Seneca	36	...	4	24	...	1	7	...
Steuben	43	...	19	10	...	...	14	...
Suffolk	54	...	...	47	...	...	7	...
Sullivan	5	...	...	...	...	3	2	...
Tioga	...	...	...	...	...	...	...	...
Tompkins	86	14	...	18	...	3	51	...
Ulster	53	...	10	10	...	2	31	...
Warren	18	...	6	3	...	...	9	...
Washington	35	...	5	8	...	7	15	...
Wayne	20	...	...	12	...	2	6	...
Westchester	49	...	1	15	...	11	22	...
Wyoming	6	...	2	1	...	1	2	...
Yates	14	...	6	4	...	...	4	...

Table A-18
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Breakdown of Dispositions (Allegations Established)
1992

Location	Total	Suspended Judgement	Released to Parent or Responsible Person	Released to Parent or Resp Person Under Supervision	Discharged to SS For Adoption	Placement		
						Reliable Suitable Person	Comm. Social Services	Other Authorized Agency
Total New York State	1699	10	204	712	8	73	692	...
Total New York City	721	1	90	281	8	23	318	...
New York	110	...	6	28	...	5	71	...
Kings	61	...	5	21	...	14	21	...
Queens	98	1	12	44	...	2	39	...
Bronx	452	...	67	188	8	2	187	...
Richmond	...	...	...	...	...	...	...	...
Total Upstate	978	9	114	431	...	50	374	...
Albany	17	...	...	9	...	...	8	...
Allegany	14	...	9	3	...	...	2	..
Broome	52	...	...	15	...	...	37	...
Cattaraugus	12	...	5	2	...	...	5	...
Cayuga	1	...	...	...	...	...	1	...
Chautauqua	10	...	...	3	...	...	7	...
Chemung	23	...	2	15	...	...	6	...
Chenango	1	...	...	1	...	...	...	...
Clinton	30	...	2	10	...	2	16	...
Columbia	5	...	...	...	...	...	5	...
Cortland	1	...	...	1	...	...	...	...
Delaware	9	...	1	4	...	1	3	...
Dutchess	26	...	...	2	...	8	16	...
Erie	93	...	1	57	...	...	35	...
Essex	1	...	...	...	...	1	...	...
Franklin	12	...	1	...	...	3	8	...
Fulton	13	...	3	10	...	...	...	...
Genesee	16	...	...	12	...	2	2	...
Greene	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...
Herkimer	15	3	...	9	...	...	3	...
Jefferson	51	...	6	18	...	5	22	...
Lewis	...	...	...	...	...	...	...	...
Livingston	1	...	1	...	...	...	...	...
Madison	11	1	7	3	...	...	...	...
Monroe	84	...	...	67	...	...	17	...
Montgomery	14	...	...	13	...	...	1	...
Nassau	6	...	...	2	...	...	4	...
Niagara	21	...	4	14	...	...	3	...
Oneida	57	...	10	19	...	1	27	...
Onondaga	56	...	7	35	...	3	11	...
Ontario	6	...	...	5	...	...	1	...
Orange	9	...	1	4	...	1	3	...
Orleans	3	...	...	1	...	...	2	...
Oswego	50	...	...	31	...	...	19	...
Otsego	11	...	1	...	...	8	2	...
Putnam	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...
Rockland	12	...	3	1	...	2	6	...
St.Lawrence	44	...	6	4	...	6	28	...
Saratoga	10	1	2	4	...	...	3	...
Schenectady	60	...	18	20	...	...	22	...
Schoharie	5	...	...	2	...	2	1	...
Schuyler	4	...	2	...	...	1	1	...
Seneca	7	...	3	4	...	...	...	...
Steuben	15	...	12	2	...	...	1	...
Suffolk	9	...	...	6	...	...	3	...
Sullivan	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...
Tompkins	47	4	...	11	...	3	29	...
Ulster	7	...	1	1	...	...	5	...
Warren	4	...	2	1	...	...	1	...
Washington	1	...	...	...	...	1	...	...
Wayne	7	...	...	6	...	...	1	...
Westchester	6	...	...	...	...	...	6	...
Wyoming	4	...	2	1	...	...	1	...
Yates	5	...	2	3	...	...	...	...

Table A-19
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Order of Protection
1992

Location	Total	Order of Protection Entered	No Order of Protection Entered
Total New York State	13040	4069	8971
Total New York City	6866	876	5990
New York	1532	104	1428
Kings	719	35	684
Queens	1009	404	605
Bronx	3606	333	3273
Richmond	...	...	...
Total Upstate	6174	3193	2981
Albany	167	88	79
Allegany	116	41	75
Broome	171	63	108
Cattaraugus	198	41	157
Cayuga	19	...	19
Chautauqua	87	22	65
Chemung	119	50	69
Chenango	5	...	5
Clinton	132	78	54
Columbia	12	5	7
Cortland	17	12	5
Delaware	27	15	12
Dutchess	153	120	33
Erie	735	162	573
Essex	17	6	11
Franklin	31	9	22
Fulton	71	23	48
Genesee	35	32	3
Greene	9	2	7
Hamilton	1	...	1
Herkimer	64	45	19
Jefferson	149	52	97
Lewis	1	1	...
Livingston	13	2	11
Madison	45	29	16
Monroe	554	450	104
Montgomery	56	28	28
Nassau	124	37	87
Niagara	195	65	130
Oneida	476	219	257
Onondaga	429	268	161
Ontario	22	18	4
Orange	129	53	76
Orleans	10	...	10
Oswego	207	186	21
Otsego	24	20	4
Putnam	3	1	2
Rensselaer	...	...	...
Rockland	173	121	52
St.Lawrence	114	98	16
Saratoga	126	78	48
Schenectady	387	296	91
Schoharie	16	3	13
Schuyler	13	6	7
Seneca	50	36	14
Steuben	64	30	34
Suffolk	149	39	110
Sullivan	12	6	6
Tioga	...	...	...
Tompkins	100	75	25
Ulster	132	76	56
Warren	42	18	24
Washington	59	6	53
Wayne	23	22	1
Westchester	62	15	47
Wyoming	6	4	2
Yates	23	21	2

Table A-20
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Order of Protection
1992

Location	Total	Order of Protection Entered	No Order of Protection Entered
Total New York State	2129	1237	892
Total New York City	823	306	517
New York	130	47	83
Kings	78	13	65
Queens	110	81	29
Bronx	505	165	340
Richmond	...	...	...
Total Upstate	1306	931	375
Albany	30	14	16
Allegany	19	8	11
Broome	55	33	22
Cattaraugus	16	11	5
Cayuga	4	...	4
Chautauqua	10	8	2
Chemung	25	15	10
Chenango	1	...	1
Clinton	36	22	14
Columbia	7	4	3
Cortland	1	1	...
Delaware	10	8	2
Dutchess	31	27	4
Erie	117	66	51
Essex	3	2	1
Franklin	13	8	5
Fulton	19	12	7
Genesee	19	17	2
Greene	...	...	...
Hamilton	...	...	...
Herkimer	22	16	6
Jefferson	65	28	37
Lewis	...	...	...
Livingston	2	...	2
Madison	12	6	6
Monroe	132	107	25
Montgomery	24	20	4
Nassau	11	4	7
Niagara	29	24	5
Oneida	61	41	20
Onondaga	78	63	15
Ontario	9	9	...
Orange	20	11	9
Orleans	4	...	4
Oswego	59	59	...
Otsego	15	13	2
Putnam	...	...	...
Rensselaer	...	...	...
Rockland	24	13	11
St.Lawrence	50	44	6
Saratoga	20	17	3
Schenectady	99	76	23
Schoharie	6	3	3
Schuyler	4	4	...
Seneca	7	7	...
Steuben	19	14	5
Suffolk	12	7	5
Sullivan	...	...	...
Tioga	...	...	...
Tompkins	58	55	3
Ulster	10	8	2
Warren	10	3	7
Washington	3	1	2
Wayne	9	9	...
Westchester	7	5	2
Wyoming	4	3	1
Yates	5	5	...

Table A-21
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Allegations In Petitions
1992

Location	Total	Abuse-Inflict Physical Injury	Abuse- Risk Physical Injury	Abuse- Sex Offense Against Child	Neglect
Total New York State	13915	727	430	1287	11471
Total New York City	7171	403	134	407	6227
New York	1628	60	54	85	1429
Kings	761	47	14	21	679
Queens	1040	39	9	64	928
Bronx	3742	257	57	237	3191
Richmond	...	...	...	...	...
Total Upstate	6744	324	296	880	5244
Albany	167	...	10	20	137
Allegany	116	13	...	6	97
Broome	225	18	16	21	170
Cattaraugus	198	...	...	16	182
Cayuga	21	1	...	3	17
Chautauqua	87	...	...	10	77
Chemung	136	2	2	18	114
Chenango	5	...	1	...	4
Clinton	214	26	32	24	132
Columbia	12	...	...	7	5
Cortland	17	...	...	1	16
Delaware	37	...	1	9	27
Dutchess	157	2	5	27	123
Erie	747	41	18	70	618
Essex	19	2	1	1	15
Franklin	31	...	...	13	18
Fulton	73	1	...	18	54
Genesee	35	2	11	6	16
Greene	9	...	...	...	9
Hamilton	1	...	...	...	1
Herkimer	71	5	8	15	43
Jefferson	158	22	4	42	90
Lewis	1	...	...	...	1
Livingston	13	...	1	1	11
Madison	45	2	...	10	33
Monroe	565	27	61	55	422
Montgomery	80	7	4	13	56
Nassau	129	5	1	6	117
Niagara	201	8	7	19	167
Oneida	484	14	12	40	418
Onondaga	487	7	5	68	407
Ontario	22	1	1	7	13
Orange	144	13	12	10	109
Orleans	10	2	...	2	6
Oswego	207	2	3	52	150
Otsego	45	6	6	15	18
Putnam	3	...	...	...	3
Rensselaer	...	...	...	...	...
Rockland	173	1	3	20	149
St.Lawrence	124	6	10	42	66
Saratoga	126	1	...	18	107
Schenectady	499	33	15	65	386
Schoharie	16	1	3	2	10
Schuyler	13	2	...	2	9
Seneca	50	...	...	7	43
Steuben	65	...	2	17	46
Suffolk	150	2	1	9	138
Sullivan	12	...	...	...	12
Tioga	...	...	...	...	...
Tompkins	183	36	38	37	72
Ulster	133	1	...	9	123
Warren	48	4	...	6	38
Washington	60	1	...	3	56
Wayne	25	4	...	5	16
Westchester	66	2	2	5	57
Wyoming	6	...	...	4	2
Yates	23	1	...	4	18

Note: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-22
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Allegations In Petitions
1992

Location	Total	Abuse-Inflict Physical Injury	Abuse- Risk Physical Injury	Abuse- Sex Offense Against Child	Neglect
Total New York State	3004	727	430	1287	560
Total New York City	1128	403	134	407	184
New York	226	60	54	85	27
Kings	120	47	14	21	38
Queens	141	39	9	64	29
Bronx	641	257	57	237	90
Richmond	...	...	...	...	...
Total Upstate	1876	324	296	880	376
Albany	30	...	10	20	...
Allegany	19	13	...	6	...
Broome	109	18	16	21	54
Cattaraugus	16	...	...	16	...
Cayuga	6	1	...	3	2
Chautauqua	10	...	...	10	...
Chemung	42	2	2	18	20
Chenango	1	...	1	...	...
Clinton	118	26	32	24	36
Columbia	7	...	...	7	...
Cortland	1	...	...	1	...
Delaware	20	...	1	9	10
Dutchess	35	2	5	27	1
Erie	129	41	18	70	...
Essex	5	2	1	1	1
Franklin	13	...	...	13	...
Fulton	21	1	...	18	2
Genesee	19	2	11	6	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	29	5	8	15	1
Jefferson	74	22	4	42	6
Lewis	...	...	...	...	...
Livingston	2	...	1	1	...
Madison	12	2	...	10	...
Monroe	143	27	61	55	...
Montgomery	48	7	4	13	24
Nassau	16	5	1	6	4
Niagara	35	8	7	19	1
Oneida	69	14	12	40	3
Onondaga	136	7	5	68	56
Ontario	9	1	1	7	...
Orange	35	13	12	10	...
Orleans	4	2	...	2	...
Oswego	59	2	3	52	2
Otsego	36	6	6	15	9
Putnam	...	...	...	...	...
Rensselaer	...	...	...	...	...
Rockland	24	1	3	20	...
St.Lawrence	60	6	10	42	2
Saratoga	20	1	...	18	1
Schenectady	211	33	15	65	98
Schoharie	6	1	3	2	...
Schuyler	4	2	...	2	...
Seneca	7	...	...	7	...
Steuben	20	...	2	17	1
Suffolk	13	2	1	9	1
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	141	36	38	37	30
Ulster	11	1	...	9	1
Warren	16	4	...	6	6
Washington	4	1	...	3	...
Wayne	11	4	...	5	2
Westchester	11	2	2	5	2
Wyoming	4	...	...	4	...
Yates	5	1	...	4	...

Note: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-23
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Allegations Established
1992

Location	Total	Abuse	Neglect	Abuse And Neglect	Not Applicable*
Total New York State	13040	807	9369	381	2483
Total New York City	6866	346	5582	212	726
New York	1532	58	1322	37	115
Kings	719	16	577	20	106
Queens	1009	43	833	40	93
Bronx	3606	229	2850	115	412
Richmond	...	...	...	...	...
Total Upstate	6174	461	3787	169	1757
Albany	167	9	105	...	53
Allegany	116	4	74	...	38
Broome	171	2	119	40	10
Cattaraugus	198	11	128	...	59
Cayuga	19	...	14	1	4
Chautauqua	87	7	64	1	15
Chemung	119	7	84	18	10
Chenango	5	...	4	...	1
Clinton	132	...	110	10	12
Columbia	12	4	3	...	5
Cortland	17	1	9	...	7
Delaware	27	2	17	2	6
Dutchess	153	18	88	6	41
Erie	735	32	557	3	143
Essex	17	...	6	...	11
Franklin	31	12	7	...	12
Fulton	71	12	45	...	14
Genesee	35	7	24	...	4
Greene	9	...	6	...	3
Hamilton	1	...	...	...	1
Herkimer	64	5	30	2	27
Jefferson	149	28	79	...	42
Lewis	1	...	1	...	...
Livingston	13	1	9	...	3
Madison	45	7	33	...	5
Monroe	554	34	298	1	221
Montgomery	56	...	19	10	27
Nassau	124	1	77	3	43
Niagara	195	17	136	1	41
Oneida	476	44	325	...	107
Onondaga	429	29	284	6	110
Ontario	22	3	10	1	8
Orange	129	5	73	...	51
Orleans	10	1	1	1	7
Oswego	207	31	132	...	44
Otsego	24	...	13	7	4
Putnam	3	...	...	...	3
Rensselaer	...	...	...	...	...
Rockland	173	11	131	...	31
St.Lawrence	114	28	67	1	18
Saratoga	126	10	68	1	47
Schenectady	387	10	170	31	176
Schoharie	16	5	5	...	6
Schuyler	13	2	4	...	7
Seneca	50	7	29	...	14
Steuben	64	14	30	...	20
Suffolk	149	6	51	...	92
Sullivan	12	...	6	...	6
Tioga	...	...	...	...	...
Tompkins	100	12	58	16	14
Ulster	132	7	56	1	68
Warren	42	2	18	2	20
Washington	59	1	34	...	24
Wayne	23	4	16	...	3
Westchester	62	...	48	4	10
Wyoming	6	4	2	...	...
Yates	23	4	10	...	9

* No finding

Table A-24
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Allegations Established
1992

Location	Total	Abuse	Neglect	Abuse And Neglect	Not Applicable*
Total New York State	2129	807	551	381	390
Total New York City	823	346	181	212	84
New York	130	58	18	37	17
Kings	78	16	25	20	17
Queens	110	43	16	40	11
Bronx	505	229	122	115	39
Richmond	...	...	...	...	...
Total Upstate	1306	461	370	169	306
Albany	30	9	9	...	12
Allegany	19	4	10	...	5
Broome	55	2	10	40	3
Cattaraugus	16	11	2	...	3
Cayuga	4	...	...	1	3
Chautauqua	10	7	2	1	...
Chemung	25	7	...	18	...
Chenango	1	...	1	...	...
Clinton	36	...	20	10	6
Columbia	7	4	1	...	2
Cortland	1	1	...	...	...
Delaware	10	2	5	2	1
Dutchess	31	18	2	6	5
Erie	117	32	60	3	22
Essex	3	...	1	...	2
Franklin	13	12	...	...	1
Fulton	19	12	1	...	6
Genesee	19	7	11	...	1
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	22	5	8	2	7
Jefferson	65	28	23	...	14
Lewis	...	...	...	...	...
Livingston	2	1	...	...	1
Madison	12	7	4	...	1
Monroe	132	34	49	1	48
Montgomery	24	...	4	10	10
Nassau	11	1	2	3	5
Niagara	29	17	3	1	8
Oneida	61	44	13	...	4
Onondaga	78	29	26	6	17
Ontario	9	3	2	1	3
Orange	20	5	4	...	11
Orleans	4	1	1	1	1
Oswego	59	31	20	...	8
Otsego	15	...	4	7	4
Putnam	...	...	...	...	...
Rensselaer	...	...	...	...	...
Rockland	24	11	3	...	10
St.Lawrence	50	28	15	1	6
Saratoga	20	10	...	1	9
Schenectady	99	10	22	31	36
Schoharie	6	5	...	...	1
Schuyler	4	2	2	...	...
Seneca	7	7	...	...	...
Steuben	19	14	2	...	3
Suffolk	12	6	3	...	3
Sullivan	...	...	...	...	...
Tioga	...	...	..	...	...
Tompkins	58	12	19	16	11
Ulster	10	7	..	1	2
Warren	10	2	...	2	6
Washington	3	1	...	...	2
Wayne	9	4	3	...	2
Westchester	7	...	2	4	1
Wyoming	4	4	...	...	...
Yates	5	4	1	...	...

* No finding

Table A-25
FAMILY COURT
Original Dispositions Of Child Protective Petitions: Temporary Removal of Children From Home Before Petition Filed
1992

Location	Total	Removed Pursuant to 1022	Not Removed
Total New York State	13040	1786	11254
Total New York City	6866	1007	5859
New York	1532	172	1360
Kings	719	209	510
Queens	1009	60	949
Bronx	3606	566	3040
Richmond	...	...	...
Total Upstate	6174	779	5395
Albany	167	49	118
Allegany	116	28	88
Broome	171	61	110
Cattaraugus	198	45	153
Cayuga	19	1	18
Chautauqua	87	17	70
Chemung	119	11	108
Chenango	5	...	5
Clinton	132	11	121
Columbia	12	4	8
Cortland	17	1	16
Delaware	27	...	27
Dutchess	153	1	152
Erie	735	120	615
Essex	17	5	12
Franklin	31	...	31
Fulton	71	2	69
Genesee	35	...	35
Greene	9	...	9
Hamilton	1	...	1
Herkimer	64	3	61
Jefferson	149	2	147
Lewis	1	...	1
Livingston	13	1	12
Madison	45	...	45
Monroe	554	81	473
Montgomery	56	8	48
Nassau	124	10	114
Niagara	195	10	185
Oneida	476	44	432
Onondaga	429	43	386
Ontario	22	...	22
Orange	129	5	124
Orleans	10	1	9
Oswego	207	3	204
Otsego	24	7	17
Putnam	3	...	3
Rensselaer	...	...	...
Rockland	173	13	160
St.Lawrence	114	24	90
Saratoga	126	...	126
Schenectady	387	37	350
Schoharie	16	...	16
Schuyler	13	1	12
Seneca	50	1	49
Steuben	64	11	53
Suffolk	149	4	145
Sullivan	12	2	10
Tioga	...	...	...
Tompkins	100	37	63
Ulster	132	29	103
Warren	42	5	37
Washington	59	23	36
Wayne	23	...	23
Westchester	62	17	45
Wyoming	6	1	5
Yates	23	...	23

Table A-26
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Temporary Removal of Children From Home Before Petition Filed
1992

Location	Total	Removed Pursuant to 1022	Not Removed
Total New York State	2129	353	1776
Total New York City	823	197	626
New York	130	29	101
Kings	78	53	25
Queens	110	3	107
Bronx	505	112	393
Richmond	...	...	...
Total Upstate	1306	156	1150
Albany	30	3	27
Allegany	19	7	12
Broome	55	20	35
Cattaraugus	16	5	11
Cayuga	4	...	4
Chautauqua	10	4	6
Chemung	25	5	20
Chenango	1	...	1
Clinton	36	7	29
Columbia	7	2	5
Cortland	1	...	1
Delaware	10	...	10
Dutchess	31	...	31
Erie	117	15	102
Essex	3	2	1
Franklin	13	...	13
Fulton	19	...	19
Genesee	19	...	19
Greene	...	...	...
Hamilton	...	...	...
Herkimer	22	...	22
Jefferson	65	1	64
Lewis	...	...	...
Livingston	2	1	1
Madison	12	...	12
Monroe	132	7	125
Montgomery	24	1	23
Nassau	11	1	10
Niagara	29	2	27
Oneida	61	5	56
Onondaga	78	6	72
Ontario	9	...	9
Orange	20	...	20
Orleans	4	1	3
Oswego	59	1	58
Otsego	15	5	10
Putnam	...	...	...
Rensselaer	...	...	...
Rockland	24	...	24
St.Lawrence	50	11	39
Saratoga	20	...	20
Schenectady	99	11	88
Schoharie	6	...	6
Schuyler	4	...	4
Seneca	7	...	7
Steuben	19	1	18
Suffolk	12	1	11
Sullivan	...	...	...
Tioga	...	...	...
Tompkins	58	18	40
Ulster	10	5	5
Warren	10	...	10
Washington	3	1	2
Wayne	9	...	9
Westchester	7	6	1
Wyoming	4	1	3
Yates	5	...	5

Table A-27
FAMILY COURT
Original Dispositions of Child Protective Petitions:
Temporary Removal of Children From Home After Petition Filed
1992

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181 or More Days	Not Removed
Total New York State	12996	239	209	194	207	1810	2228	1890	6219
Total New York City	6824	149	119	117	132	1313	1780	1487	1727
New York	1516	33	9	22	21	308	497	298	328
Kings	717	16	8	6	21	112	167	95	292
Queens	998	16	22	16	36	179	193	141	395
Bronx	3593	84	80	73	54	714	923	953	712
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	6172	90	90	77	75	497	448	403	4492
Albany	167	13	7	...	1	20	16	3	107
Allegany	116	5	...	...	...	2	8	32	69
Broome	171	4	...	2	1	28	45	37	54
Cattaraugus	198	4	1	...	...	15	16	27	135
Cayuga	19	...	...	...	3	...	...	...	16
Chautauqua	87	1	2	...	...	3	12	2	67
Chemung	119	...	1	...	...	7	6	1	104
Chenango	5	...	...	1	...	...	...	...	4
Clinton	132	1	...	2	...	4	6	6	113
Columbia	12	...	...	...	...	...	2	...	10
Cortland	17	...	...	...	...	1	...	...	16
Delaware	27	...	...	...	...	...	1	...	26
Dutchess	153	...	...	1	3	17	24	19	89
Erie	735	9	43	41	45	192	87	27	291
Essex	17	1	...	...	...	...	3	...	13
Franklin	31	...	...	...	...	...	...	...	31
Fulton	71	...	...	...	...	...	1	...	70
Genesee	35	...	...	...	...	...	4	1	30
Greene	9	...	...	...	...	7	...	...	2
Hamilton	1	...	...	...	...	...	...	...	1
Herkimer	64	...	...	...	1	2	1	...	60
Jefferson	149	...	...	...	...	2	6	16	125
Lewis	1	...	...	...	...	...	...	...	1
Livingston	13	...	...	...	...	...	1	...	12
Madison	45	...	...	...	...	4	1	...	40
Monroe	554	8	8	4	5	64	31	26	408
Montgomery	56	5	...	...	...	...	...	...	51
Nassau	124	1	1	1	1	3	2	13	102
Niagara	195	...	...	1	...	3	5	8	178
Oneida	474	8	2	5	3	36	44	33	343
Onondaga	429	7	4	1	3	22	3	13	376
Ontario	22	...	...	...	...	...	1	1	20
Orange	129	...	...	...	...	...	1	...	128
Orleans	10	...	...	...	...	...	...	...	10
Oswego	207	1	...	1	1	12	40	21	131
Otsego	24	1	...	...	...	...	...	3	20
Putnam	3	...	...	...	...	...	...	...	3
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	173	2	5	1	3	17	19	14	112
St.Lawrence	114	...	1	...	...	3	15	24	71
Saratoga	126	...	...	...	...	2	...	...	124
Schenectady	387	6	2	...	1	16	1	16	345
Schoharie	16	...	...	...	...	...	...	...	16
Schuyler	13	...	...	...	...	1	...	1	11
Seneca	50	...	...	...	...	...	1	..	49
Steuben	64	1	...	...	...	...	3	2	58
Suffolk	149	1	2	...	...	2	...	...	144
Sullivan	12	...	...	...	...	3	...	...	9
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	100	2	1	...	...	2	25	25	45
Ulster	132	2	6	4	...	...	6	15	99
Warren	42	...	2	4	2	2	...	8	24
Washington	59	2	2	7	2	4	9	4	29
Wayne	23	1	...	...	..	...	...	...	22
Westchester	62	4	...	...	...	1	2	1	54
Wyoming	6	...	...	1	...	...	...	...	5
Yates	23	...	...	...	...	...	...	4	19

Table A-28
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Temporary Removal of Children From Home After Petition Filed
1992

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181 or More Days	Not Removed
Total New York State	2129	31	25	25	5	96	200	364	1383
Total New York City	823	13	10	11	...	48	109	237	395
New York	130	4	...	5	...	5	6	52	58
Kings	78	2	3	...	...	8	4	22	39
Queens	110	4	...	4	...	3	18	29	52
Bronx	505	3	7	2	...	32	81	134	246
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	1306	18	15	14	5	48	91	127	988
Albany	30	...	...	...	...	4	4	...	22
Allegany	19	...	...	...	...	...	5	4	10
Broome	55	...	...	1	...	1	21	16	16
Cattaraugus	16	...	...	...	...	...	...	6	10
Cayuga	4	...	...	...	...	...	...	...	4
Chautauqua	10	...	2	...	...	1	...	...	7
Chemung	25	...	...	...	...	...	2	1	22
Chenango	1	...	...	1	...	...	...	...	...
Clinton	36	...	...	...	...	...	...	6	30
Columbia	7	...	...	...	...	...	1	...	6
Cortland	1	...	...	...	...	...	...	...	1
Delaware	10	...	...	...	...	...	...	...	10
Dutchess	31	...	...	...	...	4	...	7	20
Erie	117	1	8	11	4	13	11	8	61
Essex	3	1	...	...	...	...	...	...	2
Franklin	13	...	...	...	...	...	...	...	13
Fulton	19	...	...	...	...	...	...	...	19
Genesee	19	...	...	...	...	...	3	1	15
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	22	...	...	...	...	...	1	...	21
Jefferson	65	...	...	...	...	...	6	6	53
Lewis	...	...	...	...	...	...	...	...	...
Livingston	2	...	...	...	...	...	1	...	1
Madison	12	...	...	...	...	...	...	...	12
Monroe	132	...	2	...	1	8	3	4	114
Montgomery	24	5	...	...	...	...	...	...	19
Nassau	11	...	...	...	...	...	...	1	10
Niagara	29	...	...	...	...	...	2	1	26
Oneida	61	...	...	1	...	5	4	5	46
Onondaga	78	...	...	...	...	...	...	5	73
Ontario	9	...	...	...	...	...	1	...	8
Orange	20	...	...	...	...	...	...	...	20
Orleans	4	...	...	...	...	...	...	...	4
Oswego	59	1	...	...	...	3	6	4	45
Otsego	15	...	...	...	...	...	...	3	12
Putnam	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	24	1	...	...	...	2	[illegible]	2	17
St.Lawrence	50	...	1	...	...	...	6	18	25
Saratoga	20	...	...	...	...	...	...	...	20
Schenectady	99	...	...	...	...	6	1	9	83
Schoharie	6	...	...	...	...	...	...	...	6
Schuyler	4	...	...	...	...	...	...	1	3
Seneca	7	...	...	...	...	...	...	...	7
Steuben	19	1	...	...	...	...	...	...	18
Suffolk	12	...	2	...	...	...	...	...	10
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	58	2	...	...	...	...	11	15	30
Ulster	10	1	...	...	...	...	...	4	5
Warren	10	...	...	...	...	1	...	...	9
Washington	3	...	...	...	...	...	...	...	3
Wayne	9	1	...	...	...	...	...	...	8
Westchester	7	4	...	...	...	...	...	...	3
Wyoming	4	...	...	...	...	...	...	...	4
Yates	5	...	...	...	...	...	...	...	5

Table A-29
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Age of Boys When Petition Filed
1992

Location	Total	3 or Younger	4-6	7-9	10-12	13-15	16 or More
Total New York State	811	492	115	80	73	32	19
Total New York City	342	183	59	39	32	18	11
New York	56	32	9	5	4	3	3
Kings	31	16	7	3	3	1	1
Queens	48	39	...	2	3	3	1
Bronx	207	96	43	29	22	11	6
Richmond	...	...	...	...	...	...	...
Total Upstate	469	309	56	41	41	14	8
Albany	13	13	...	...	...	...	...
Allegany	8	4	2	1	1	...	...
Broome	24	19	3	2	...	...	...
Cattaraugus	3	1	...	...	...	...	2
Cayuga	2	1	1	...	...	...	...
Chautauqua	5	5	...	...	...	...	...
Chemung	14	11	...	1	1	...	1
Chenango	...	...	...	...	...	...	...
Clinton	9	9	...	...	...	...	...
Columbia	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...
Delaware	3	3	...	...	...	...	...
Dutchess	11	1	7	1	2	...	...
Erie	49	35	3	5	5	1	...
Essex	1	1	...	...	...	...	...
Franklin	4	4	...	...	...	...	...
Fulton	5	5	...	...	...	...	...
Genesee	11	11	...	...	...	...	...
Greene	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...
Herkimer	14	6	2	3	3	...	...
Jefferson	27	11	5	1	4	5	1
Lewis	...	...	...	...	...	...	...
Livingston	1	1	...	...	...	...	...
Madison	4	2	...	1	...	...	1
Monroe	50	32	5	6	6	1	...
Montgomery	12	11	1	...	...	...	...
Nassau	2	2	...	...	...	...	...
Niagara	14	12	1	1	...	...	...
Oneida	24	12	8	2	2	...	...
Onondaga	23	16	3	3	...	1	...
Ontario	3	2	1	...	...	...	...
Orange	8	1	2	4	1	...	...
Orleans	2	1	...	...	...	1	...
Oswego	21	[illegible]	5	...	7	1	...
Otsego	3	1	...	1	1	...	...
Putnam	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...
Rockland	7	5	1	...	1	...	...
St.Lawrence	10	3	1	1	2	1	2
Saratoga	1	...	1	...	...	...	...
Schenectady	34	18	3	6	3	3	1
Schoharie	1	1	...	...	...	...	...
Schuyler	1	1	...	...	...	...	...
Seneca	2	2	...	...	...	...	...
Steuben	1	1	...	...	...	...	...
Suffolk	4	3	...	...	1	...	...
Sullivan	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...
Tompkins	26	[illegible]	...	2	1	...	...
Ulster	2	2	...	...	...	...	...
Warren	3	3	...	...	...	...	...
Washington	...	...	...	...	...	...	...
Wayne	2	1	1	...	...	...	...
Westchester	2	2	...	...	...	...	...
Wyoming	1	1	...	...	...	...	...
Yates	2	2	...	...	...	...	...

Table A-30

FAMILY COURT

Original Dispositions of Child Protective Petitions Involving Abuse: Age of Girls When Petition Filed

1992

Location	Total	3 or Younger	4-6	7-9	10-12	13-15	16 or More
Total New York State	1257	669	146	146	148	97	51
Total New York City	458	183	85	68	59	39	24
New York	71	29	14	6	6	8	8
Kings	43	20	4	5	6	6	2
Queens	60	36	7	8	6	2	1
Bronx	284	98	60	49	41	23	13
Richmond	...	...	...	...	...	...	...
Total Upstate	799	486	61	78	89	58	27
Albany	15	11	1	...	...	2	1
Allegany	11	9	...	1	...	1	—
Broome	31	28	...	...	...	3	—
Cattaraugus	10	4	3	...	...	3	—
Cayuga	2	...	...	...	1	—	1
Chautauqua	5	5	...	...	...	—	—
Chemung	11	9	2	...	...	...	—
Chenango	1	1	...	...	...	...	—
Clinton	27	20	1	2	...	4	—
Columbia	6	5	...	1	...	...	—
Cortland	1	1	...	...	...	...	—
Delaware	7	6	...	...	...	...	1
Dutchess	19	7	5	4	1	1	1
Erie	66	51	5	3	3	1	3
Essex	2	1	...	1	...	...	...
Franklin	9	9	...	...	...	...	...
Fulton	14	7	...	...	...	5	2
Genesee	8	8	...	...	...	...	...
Greene	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...
Herkimer	8	3	...	...	...	2	3
Jefferson	36	13	4	10	6	1	2
Lewis	...	...	...	...	...	...	...
Livingston	1	...	...	1	...	...	...
Madison	8	5	...	1	1	1	...
Monroe	76	48	6	5	11	5	1
Montgomery	11	5	...	2	3	1	...
Nassau	7	2	...	1	2	2	...
Niagara	15	10	1	2	1	...	1
Oneida	37	23	4	3	6	1	...
Onondaga	54	37	2	4	7	3	1
Ontario	6	5	1	...	...	...	...
Orange	12	7	1	2	2	...	...
Orleans	2	1	...	...	1	...	...
Oswego	35	10	5	6	4	8	2
Otsego	12	2	1	2	4	2	1
Putnam	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...
Rockland	17	13	...	2	1	1	...
St.Lawrence	37	16	1	6	10	4	...
Saratoga	16	4	...	6	4	1	1
Schenectady	62	29	12	7	8	3	3
Schoharie	4	...	...	...	3	...	1
Schuyler	3	3	...	...	...	...	...
Seneca	5	5	...	...	...	...	...
Steuben	17	13	3	...	1	...	...
Suffolk	8	5	1	1	1	...	...
Sullivan	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...
Tompkins	31	26	2	2	1	...	...
Ulster	6	2	...	1	3	...	...
Warren	7	7	...	...	...	...	...
Washington	3	1	...	...	...	1	1
Wayne	7	2	...	2	2	...	1
Westchester	5	1	...	...	2	2	...
Wyoming	3	3	...	...	...	...	...
Yates	3	3	...	...	...	...	...

Table A-31
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Type of Petitioner

1992

Location	Total	Child Protective Agency	Person on Court's Direction
Total New York State	2129	2118	11
Total New York City	823	818	5
New York	130	129	1
Kings	78	78	...
Queens	110	108	2
Bronx	505	503	2
Richmond	...	...	...
Total Upstate	1306	1300	6
Albany	30	30	...
Allegany	19	19	...
Broome	55	53	2
Cattaraugus	16	16	...
Cayuga	4	4	...
Chautauqua	10	10	...
Chemung	25	25	...
Chenango	1	1	...
Clinton	36	36	...
Columbia	7	7	...
Cortland	1	1	...
Delaware	10	10	...
Dutchess	31	31	...
Erie	117	117	...
Essex	3	3	...
Franklin	13	13	...
Fulton	19	19	...
Genesee	19	19	...
Greene	...	...	...
Hamilton	...	...	...
Herkimer	22	20	2
Jefferson	65	65	...
Lewis	...	...	...
Livingston	2	2	...
Madison	12	12	...
Monroe	132	132	...
Montgomery	24	24	...
Nassau	11	11	...
Niagara	29	29	...
Oneida	61	61	...
Onondaga	78	78	...
Ontario	9	9	...
Orange	20	20	...
Orleans	4	4	...
Oswego	59	59	...
Otsego	15	15	...
Putnam	...	...	...
Rensselaer	...	...	...
Rockland	24	24	...
St.Lawrence	50	50	...
Saratoga	20	20	...
Schenectady	99	98	1
Schoharie	6	6	...
Schuyler	4	4	...
Seneca	7	7	...
Steuben	19	19	...
Suffolk	12	12	...
Sullivan	...	...	...
Tioga	...	...	...
Tompkins	58	58	...
Ulster	10	10	...
Warren	10	10	...
Washington	3	3	...
Wayne	9	9	...
Westchester	7	6	1
Wyoming	4	4	...
Yates	5	5	...

Table A-32
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Adjournments From Filing Petition to Completion of Fact-Finding Hearing
1992

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	2129	165	181	214	237	238	228	578	288
Total New York City	823	8	36	46	90	123	108	332	80
New York	130	...	3	2	8	11	17	67	22
Kings	78	...	...	...	6	11	14	30	17
Queens	110	...	10	19	21	14	4	31	11
Bronx	505	8	23	25	55	87	73	204	30
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	1306	157	145	168	147	115	120	246	208
Albany	30	14	...	5	2	5	...	4	...
Allegany	19	2	...	4	7	...	1	...	5
Broome	55	35	4	5	1	7	1	...	2
Cattaraugus	16	...	1	2	3	3	...	3	4
Cayuga	4	1	1	...	...	...	...	...	2
Chautauqua	10	...	6	...	2	1	1	...	...
Chemung	25	...	7	5	2	2	4	5	...
Chenango	1	1	...	...	...	...	...	...	...
Clinton	36	...	20	11	...	...	1	...	4
Columbia	7	1	...	1	...	...	...	3	2
Cortland	1	...	...	...	1	...	...	...	...
Delaware	10	...	...	3	4	...	...	2	1
Dutchess	31	1	3	...	2	...	2	19	4
Erie	117	5	13	17	16	4	16	23	23
Essex	3	...	1	...	...	...	...	...	2
Franklin	13	4	8	...	...	...	...	...	1
Fulton	19	4	11	1	1	...	...	1	1
Genesee	19	...	...	1	9	6	...	2	1
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	22	2	4	1	8	3	...	...	4
Jefferson	65	...	...	...	...	...	1	51	13
Lewis	...	...	...	...	...	...	...	...	...
Livingston	2	1	...	1	...	...	...	...	...
Madison	12	7	...	...	2	2	...	...	1
Monroe	132	42	1	9	13	18	12	36	1
Montgomery	24	...	...	2	4	...	6	2	10
Nassau	11	...	4	...	1	1	...	...	5
Niagara	29	15	2	6	1	...	...	...	5
Oneida	61	2	11	8	12	5	16	3	4
Onondaga	78	...	14	14	9	9	6	9	17
Ontario	9	...	...	...	...	3	2	4	...
Orange	20	1	2	5	2	3	...	...	7
Orleans	4	1	...	1	...	...	...	1	1
Oswego	59	...	...	19	5	16	5	6	8
Otsego	15	4	...	4	3	...	...	1	3
Putnam	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	24	1	2	1	2	2	2	4	10
St.Lawrence	50	1	...	8	13	8	4	11	5
Saratoga	20	1	2	2	4	1	1	2	7
Schenectady	99	...	9	17	2	8	1	27	35
Schoharie	6	...	3	1	...	...	1	1	...
Schuyler	4	1	...	...	...	1	...	2	...
Seneca	7	...	...	5	...	1	...	1	...
Steuben	19	8	5	1	...	2	...	3	...
Suffolk	12	1	...	2	2	1	2	2	2
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	58	...	4	2	9	2	26	7	8
Ulster	10	...	2	1	...	...	4	...	3
Warren	10	...	1	1	1	...	1	4	2
Washington	3	...	...	...	1	...	...	...	2
Wayne	9	...	...	...	...	...	4	3	2
Westchester	7	...	2	...	...	...	...	4	1
Wyoming	4	...	2	2	...	...	...	...	...
Yates	5	1	...	...	3	1	...	...	...

* Disposed before fact-finding

Table A-33
FAMILY COURT
Original Dispositions of Child Protective Petitions Involving Abuse: Adjournments From Completion of Fact-Finding Hearing to Completion of Dispositional Hearing
1992

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	2129	969	477	214	69	43	29	61	267
Total New York City	823	280	219	142	40	17	17	45	63
New York	130	9	39	35	16	3	7	16	5
Kings	78	16	21	22	1	1	...	...	17
Queens	110	18	45	24	5	1	5	1	11
Bronx	505	237	114	61	18	12	5	28	30
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	1306	689	258	72	29	26	12	16	204
Albany	30	7	9	1	1	11	1	...	...
Allegany	19	8	3	2	1	...	...	...	5
Broome	55	46	...	...	6	...	...	...	3
Cattaraugus	16	7	1	1	1	...	...	3	3
Cayuga	4	...	3	...	...	...	...	...	1
Chautauqua	10	5	4	1	...	...	...	...	...
Chemung	25	11	6	5	...	...	3	...	...
Chenango	1	1	...	...	...	...	...	...	...
Clinton	36	18	15	2	1	...	...	...	...
Columbia	7	2	3	...	...	...	...	...	2
Cortland	1	1	...	...	...	...	...	...	...
Delaware	10	1	2	6	...	...	...	...	1
Dutchess	31	18	9	...	...	...	...	...	4
Erie	117	88	4	2	...	...	...	...	23
Essex	3	2	...	...	...	...	...	...	1
Franklin	13	12	...	...	...	...	...	...	1
Fulton	19	14	2	...	1	...	...	...	2
Genesee	19	9	6	2	...	1	...	...	1
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	22	14	4	...	...	...	...	...	4
Jefferson	65	38	2	...	...	4	...	8	13
Lewis	...	...	...	...	...	...	...	...	...
Livingston	2	1	...	1	...	...	...	...	...
Madison	12	10	1	...	...	...	...	...	1
Monroe	132	111	18	...	...	...	1	2	...
Montgomery	24	9	5	2	...	...	...	...	8
Nassau	11	1	2	1	1	...	...	1	5
Niagara	29	26	...	...	...	...	...	...	3
Oneida	61	8	35	7	7	...	...	...	4
Onondaga	78	29	11	13	2	...	3	...	20
Ontario	9	8	1	...	...	...	...	...	...
Orange	20	12	...	...	...	...	...	...	8
Orleans	4	2	...	1	...	...	...	...	1
Oswego	59	23	6	5	4	8	3	2	8
Otsego	15	2	7	2	...	...	...	...	4
Putnam	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	24	8	3	2	1	...	...	...	10
St.Lawrence	50	5	33	5	...	1	1	...	5
Saratoga	20	9	2	...	...	...	...	...	9
Schenectady	99	52	10	2	...	...	...	...	35
Schoharie	6	6	...	...	...	...	...	...	...
Schuyler	4	2	...	1	1	...	...	...	...
Seneca	7	...	7	...	...	...	...	...	...
Steuben	19	15	4	...	...	...	...	...	...
Suffolk	12	8	2	...	...	...	...	...	2
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	58	30	19	...	...	1	...	...	8
Ulster	10	1	6	1	...	...	...	...	2
Warren	10	2	6	...	...	...	...	...	2
Washington	3	1	...	...	...	...	...	...	2
Wayne	9	2	...	3	2	...	...	...	2
Westchester	7	2	4	...	...	...	...	...	1
Wyoming	4	...	3	1	...	...	...	...	...
Yates	5	2	...	3	...	...	...	...	...

* Disposed before fact-finding

Table A-34
FAMILY COURT
Original Dispositions Of Child Protective Petitions Involving Abuse: Dispositions In Child Abuse Parts
1992

Location	Total	Disposed In Child Abuse Part	Disposed In Other Part
Total New York State	2129	1231	898
Total New York City	823	471	352
New York	130	21	109
Kings	78	3	75
Queens	110	58	52
Bronx	505	389	116
Richmond	...	...	...
Total Upstate	1306	760	546
Albany	30	8	22
Allegany	19	19	...
Broome	55	53	2
Cattaraugus	16	8	8
Cayuga	4	1	3
Chautauqua	10	10	...
Chemung	25	25	...
Chenango	1	...	1
Clinton	36	30	6
Columbia	7	...	7
Cortland	1	1	...
Delaware	10	...	10
Dutchess	31	31	...
Erie	117	117	...
Essex	3	2	1
Franklin	13	...	13
Fulton	19	7	12
Genesee	19	10	9
Greene	...	...	...
Hamilton	...	...	...
Herkimer	22	6	16
Jefferson	65	5	60
Lewis	...	...	...
Livingston	2	2	...
Madison	12	12	...
Monroe	132	132	...
Montgomery	24	24	...
Nassau	11	8	3
Niagara	29	29	...
Oneida	61	...	61
Onondaga	78	45	33
Ontario	9	7	2
Orange	20	20	...
Orleans	4	...	4
Oswego	59	27	32
Otsego	15	10	5
Putnam	...	...	...
Rensselaer	...	...	...
Rockland	24	3	21
St.Lawrence	50	28	22
Saratoga	20	7	13
Schenectady	99	22	77
Schoharie	6	...	6
Schuyler	4	2	2
Seneca	7	7	...
Steuben	19	19	...
Suffolk	12	9	3
Sullivan	...	...	...
Tioga	...	...	...
Tompkins	58	...	58
Ulster	10	1	9
Warren	10	...	10
Washington	3	...	3
Wayne	9	...	9
Westchester	7	6	1
Wyoming	4	2	2
Yates	5	5	...

Table A-35
FAMILY COURT
Child Protective Petitions:
Orders Extending Placement
1992

	Total Orders Extending Placement	1st Order Extending Placement	2nd Order Extending Placement	3rd Order Extending Placement	4th or More Order Extending Placement
Placement					
New York State					
Rel., Suitable Person	299	119	97	58	25
Comm. Social Service	19412	6784	5696	3780	3152
Other Auth. Agency	36	4	11	10	11
Total	19747	6907	5804	3848	3188
New York City					
Rel., Suitable Person	189	67	65	45	12
Comm. Social Service	15125	5061	4509	3090	2465
Other Auth. Agency	24	3	8	8	5
Total	15338	5131	4582	3143	2482
Outside New York City					
Rel., Suitable Person	110	52	32	13	13
Comm. Social Service	4287	1723	1187	690	687
Other Auth. Agency	12	1	3	2	6
Total	4409	1776	1222	705	706

This table only includes those 110 forms where petition type (Section E) is code 4 -child protective.

Table A-36
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Days From Filing Petition to Completion of Fact-Finding Hearing
1992

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	10043	940	676	381	487	2155	534	102	15	9	4744
Total New York City	2628	287	121	85	70	947	235	56	11	2	814
New York	805	98	45	34	25	303	67	11	5	...	217
Kings	439	23	12	3	6	98	38	11	...	...	248
Queens	855	103	34	35	30	350	91	16	3	1	192
Bronx	529	63	30	13	9	196	39	18	3	1	157
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	7415	653	555	296	417	1208	299	46	4	7	3930
Albany	499	74	103	16	36	65	14	...	...	...	191
Allegany	24	1	...	1	1	6	2	...	...	...	13
Broome	225	21	21	16	11	49	17	...	...	...	90
Cattaraugus	80	5	3	3	4	14	10	1	...	...	40
Cayuga	129	41	25	8	7	12	1	...	...	...	35
Chautauqua	57	3	...	2	10	12	2	...	...	...	28
Chemung	117	9	8	13	9	37	7	1	...	...	33
Chenango	10	...	8	...	...	1	...	...	...	...	1
Clinton	10	3	1	...	1	2	1	...	...	...	2
Columbia	54	2	7	3	9	15	3	1	...	...	14
Cortland	9	1	...	...	...	2	1	...	...	...	5
Delaware	7	1	...	1	...	2	...	...	...	...	3
Dutchess	250	10	4	3	8	36	10	2	...	...	177
Erie	655	25	33	24	33	71	11	2	...	...	456
Essex	23	2	...	...	2	5	2	1	...	...	11
Franklin	12	1	7	4	...	...	...	...	...	...	...
Fulton	21	4	3	...	9	3	...	...	...	...	2
Genesee	47	4	1	5	9	5	1	1	...	...	21
Greene	10	3	...	1	2	1	...	...	...	...	3
Hamilton	3	...	...	...	1	...	...	...	...	...	2
Herkimer	39	3	8	1	2	7	10	7	...	...	1
Jefferson	60	1	3	10	4	22	5	1	...	...	14
Lewis	1	...	...	...	...	...	...	...	...	...	1
Livingston	36	...	2	1	4	2	...	...	...	...	27
Madison	59	2	2	...	...	2	2	...	...	...	51
Monroe	774	66	50	33	45	69	16	3	1	1	490
Montgomery	36	3	4	3	5	12	...	...	...	...	9
Nassau	628	145	40	9	39	115	22	5	1	5	247
Niagara	185	12	16	20	31	42	15	3	...	...	46
Oneida	111	16	20	2	14	20	2	...	...	...	37
Onondaga	1013	21	30	17	17	83	12	3	...	1	829
Ontario	25	13	6	1	2	1	...	...	...	...	2
Orange	211	16	6	5	4	43	3	2	...	...	132
Orleans	35	10	1	2	4	7	6	1	...	...	4
Oswego	40	1	...	3	1	23	9	...	2	...	1
Otsego	11	2	1	...	...	5	1	...	...	...	2
Putnam	35	...	...	1	1	1	1	...	...	...	31
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	134	9	5	5	14	31	9	5	...	...	56
St.Lawrence	17	7	1	1	...	6	...	...	...	...	2
Saratoga	131	12	14	17	8	24	9	...	...	...	47
Schenectady	127	11	18	21	6	26	5	1	...	...	39
Schoharie	3	1	1	...	1	...	...	...	...	...	...
Schuyler	4	...	...	1	...	1	...	...	...	...	2
Seneca	39	2	...	...	...	5	14	...	...	...	18
Steuben	79	6	17	3	1	9	6	...	...	...	37
Suffolk	555	22	22	8	16	85	24	...	...	...	378
Sullivan	53	1	8	2	...	15	...	...	...	...	27
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	42	...	...	2	...	11	4	1	...	...	24
Ulster	141	2	2	6	7	28	16	2	...	...	78
Warren	27	9	4	3	1	4	...	...	...	...	6
Washington	45	9	3	...	2	1	2	...	...	...	28
Wayne	112	5	4	7	8	38	2	...	...	...	48
Westchester	338	33	42	12	24	126	13	2	...	...	86
Wyoming	12	1	1	...	2	4	1	1	...	...	2
Yates	15	2	...	...	2	2	8	...	...	...	1

* Disposed before fact-finding

Table A-37
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions
Excluding Removals From Criminal Courts And Designated Felonies:
Days From Completion of Fact-Finding Hearing to Completion of Dispositional Hearing
1992

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	10043	1431	163	181	299	2489	562	84	50	40	4744
Total New York City	2628	356	65	96	116	882	224	54	15	6	814
New York	805	100	38	52	50	257	60	21	5	5	217
Kings	439	41	2	8	12	90	27	8	3	...	248
Queens	855	92	16	25	38	357	111	21	2	1	192
Bronx	529	123	9	11	16	178	26	4	5	...	157
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	7415	1075	98	85	183	1607	338	30	35	34	3930
Albany	499	92	3	8	56	122	25	2	...	...	191
Allegany	24	2	...	...	...	7	1	1	...	...	13
Broome	225	74	2	6	7	38	6	2	...	...	90
Cattaraugus	80	15	2	...	1	21	1	...	...	...	40
Cayuga	129	44	11	...	12	25	2	...	...	...	35
Chautauqua	57	11	1	...	3	12	1	1	...	...	28
Chemung	117	21	2	2	2	34	20	3	...	...	33
Chenango	10	5	...	...	...	4	...	...	...	...	1
Clinton	10	3	...	1	...	4	...	...	...	...	2
Columbia	54	18	1	3	...	9	9	...	...	...	14
Cortland	9	1	...	...	...	2	1	...	...	...	5
Delaware	7	...	...	...	...	4	...	...	...	...	3
Dutchess	250	29	...	1	...	36	7	...	...	...	177
Erie	655	110	2	6	6	66	8	1	...	...	456
Essex	23	3	...	1	...	6	2	...	...	...	11
Franklin	12	...	1	1	1	8	1	...	...	...	...
Fulton	21	6	...	...	...	12	1	...	...	...	2
Genesee	47	2	...	...	1	22	1	...	...	...	21
Greene	10	2	1	...	...	2	2	...	...	...	3
Hamilton	3	...	...	1	...	...	...	...	...	...	2
Herkimer	39	15	2	...	...	7	13	1	...	...	1
Jefferson	60	42	...	...	1	3	...	...	...	...	14
Lewis	1	...	...	...	...	...	...	...	...	...	1
Livingston	36	4	...	...	...	5	...	...	...	...	27
Madison	59	1	...	1	2	3	1	...	...	...	51
Monroe	774	31	11	2	17	197	21	3	2	...	490
Montgomery	36	5	...	2	4	14	2	...	...	...	9
Nassau	628	101	11	5	12	149	49	4	17	33	247
Niagara	185	67	...	4	14	51	3	...	...	...	46
Oneida	111	13	9	1	4	44	3	...	...	...	37
Onondaga	1013	53	4	6	5	86	26	4	...	...	829
Ontario	25	2	1	2	2	16	...	...	...	...	2
Orange	211	7	5	1	2	57	6	...	1	...	132
Orleans	35	14	1	...	1	14	1	...	...	...	4
Oswego	40	16	4	...	...	17	2	...	...	...	1
Otsego	11	...	...	...	...	7	2	...	...	...	2
Putnam	35	1	...	...	...	1	1	...	1	...	31
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	134	28	...	...	...	28	22	...	...	...	56
St.Lawrence	17	4	...	1	1	9	...	...	...	...	2
Saratoga	131	37	4	4	2	30	7	...	...	...	47
Schenectady	127	17	6	7	12	40	6	...	...	...	39
Schoharie	3	...	...	...	...	3	...	...	...	...	...
Schuyler	4	...	...	...	...	2	...	...	...	...	2
Seneca	39	18	...	1	...	2	...	...	...	...	18
Steuben	79	15	...	...	1	17	9	...	...	...	37
Suffolk	555	45	4	6	1	90	14	3	13	1	378
Sullivan	53	13	...	...	1	6	6	...	...	...	27
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	42	3	1	...	...	12	2	...	...	...	24
Ulster	141	12	2	1	1	34	13	...	...	...	78
Warren	27	9	...	...	1	9	2	...	...	...	6
Washington	45	10	3	...	...	4	...	...	...	...	28
Wayne	112	12	...	2	3	36	10	1	...	...	48
Westchester	338	31	3	9	7	173	26	2	1	...	86
Wyoming	12	3	...	...	...	6	1	...	...	...	2
Yates	15	8	1	...	...	1	2	2	...	...	1

* Disposed before fact-finding

Table A-38
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Outcome of Fact-Finding

1992

Location	Total	Allegat. Establ. In Whole or In Part After FF Hearing	Allegat. Establ. In Whole or In Part By Admission	Allegation Not Established After FF Hearing	Not Applicable*	Not Applicable JO Removed For Disp. Only
Total New York State	10043	538	4621	129	4755	...
Total New York City	2628	380	1372	58	818	...
New York	805	224	343	20	218	...
Kings	439	38	146	6	249	...
Queens	855	59	593	10	193	...
Bronx	529	59	290	22	158	...
Richmond	...	...	...	...	...	...
Total Upstate	7415	158	3249	71	3937	...
Albany	499	...	308	...	191	...
Allegany	24	...	11	...	13	...
Broome	225	...	134	1	90	...
Cattaraugus	80	1	39	...	40	...
Cayuga	129	...	92	1	36	...
Chautauqua	57	4	25	...	28	...
Chemung	117	5	74	5	33	...
Chenango	10	...	9	...	1	...
Clinton	10	2	6	...	2	...
Columbia	54	1	38	1	14	...
Cortland	9	3	1	...	5	...
Delaware	7	...	4	...	3	...
Dutchess	250	1	70	2	177	...
Erie	655	21	176	2	456	...
Essex	23	2	9	1	11	...
Franklin	12	...	12	...	...	...
Fulton	21	...	19	...	2	...
Genesee	47	1	25	...	21	...
Greene	10	...	7	...	3	...
Hamilton	3	...	1	...	2	...
Herkimer	39	...	38	...	1	...
Jefferson	60	1	44	1	14	...
Lewis	1	...	...	...	1	...
Livingston	36	1	8	...	27	...
Madison	59	...	8	...	51	...
Monroe	774	12	263	9	490	...
Montgomery	36	...	26	1	9	...
Nassau	628	13	365	1	249	...
Niagara	185	18	105	16	46	...
Oneida	111	6	68	...	37	...
Onondaga	1013	8	170	5	830	...
Ontario	25	...	23	...	2	...
Orange	211	4	73	2	132	...
Orleans	35	...	30	1	4	...
Oswego	40	...	39	...	1	...
Otsego	11	2	7	...	2	...
Putnam	35	1	3	...	31	...
Rensselaer	...	...	...	...	...	...
Rockland	134	2	75	1	56	...
St.Lawrence	17	1	13	1	2	...
Saratoga	131	5	75	4	47	...
Schenectady	127	5	82	...	40	...
Schoharie	3	...	3	...	...	...
Schuyler	4	...	2	...	2	...
Seneca	39	2	19	...	18	...
Steuben	79	2	40	...	37	...
Suffolk	555	6	171	...	378	...
Sullivan	53	4	18	4	27	...
Tioga	...	...	...	...	...	...
Tompkins	42	4	12	2	24	...
Ulster	141	...	59	4	78	...
Warren	27	...	21	...	6	...
Washington	45	...	17	...	28	...
Wayne	112	2	62	...	48	...
Westchester	338	17	227	6	88	...
Wyoming	12	...	10	...	2	...
Yates	15	1	13	...	1	...

* Disposed Before Fact-Finding

Table A-39
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Duration of Probation
1992

Location	Total	0-6 Months	7-12 Months	13-18 Months	19-24 Months
Total New York State	10043	7686	1445	236	676
Total New York City	2628	1905	466	195	62
New York	805	574	132	78	21
Kings	439	361	57	14	7
Queens	855	575	197	59	24
Bronx	529	395	80	44	10
Richmond	...	...	...	...	...
Total Upstate	7415	5781	979	41	614
Albany	499	366	133	...	...
Allegany	24	18	6	...	...
Broome	225	172	52	...	1
Cattaraugus	80	47	20	...	13
Cayuga	129	100	1	...	28
Chautauqua	57	38	14	...	5
Chemung	117	97	4	...	16
Chenango	10	9	...	...	1
Clinton	10	8	...	...	2
Columbia	54	32	15	5	2
Cortland	9	7	1	1	...
Delaware	7	6	...	...	1
Dutchess	250	215	34	...	1
Erie	655	539	113	...	3
Essex	23	19	2	...	2
Franklin	12	5	6	...	1
Fulton	21	7	7	2	5
Genesee	47	26	21	...	...
Greene	10	10	...	...	...
Hamilton	3	3	...	...	...
Herkimer	39	19	19	...	1
Jefferson	60	30	30	...	...
Lewis	1	1	...	...	...
Livingston	36	30	6	...	...
Madison	59	57	2	...	...
Monroe	774	640	69	11	54
Montgomery	36	24	6	...	6
Nassau	628	445	9	...	174
Niagara	185	145	40	...	...
Oneida	111	74	28	7	2
Onondaga	1013	961	45	...	7
Ontario	25	10	...	...	15
Orange	211	172	5	...	34
Orleans	35	26	8	1	...
Oswego	40	21	11	...	8
Otsego	11	7	2	...	2
Putnam	35	34	...	1	...
Rensselaer	...	...	...	...	...
Rockland	134	86	18	...	30
St.Lawrence	17	8	9	...	...
Saratoga	131	119	12	...	...
Schenectady	127	82	45	...	...
Schoharie	3	...	2	...	1
Schuyler	4	2	...	...	2
Seneca	39	29	6	...	4
Steuben	79	62	8	...	9
Suffolk	555	412	18	...	125
Sullivan	53	47	3	...	3
Tioga	...	...	...	...	...
Tompkins	42	35	6	...	1
Ulster	141	105	35	...	1
Warren	27	21	3	...	3
Washington	45	36	3	...	6
Wayne	112	86	11	...	15
Westchester	338	217	87	12	22
Wyoming	12	9	2	...	1
Yates	15	5	2	1	7

Table A-40
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Breakdown of Dispositions (Allegations Not Established)
1992

		Dispositions —Allegations Not Established								
Location	Total	With-Drawn	Consoli-dated	Change of Venue	Found Incap.	Dismissed Furth. of Justice	Dismissed After FF Hearing	ACD	Other Dismissal	Total Disps.-Allegs. Est.
Total New York State	10043	1521	140	222	2	167	106	2310	1287	4288
Total New York City	2628	484	2	1	...	73	60	290	217	1501
New York	805	118	1	1	...	25	21	71	73	495
Kings	439	166	...	...	...	22	12	39	40	160
Queens	855	141	...	...	...	4	11	123	26	550
Bronx	529	59	1	...	...	22	16	57	78	296
Richmond	...	...	...	...	...	...	...	...	...	...
Total Upstate	7415	1037	138	221	2	94	46	2020	1070	2787
Albany	499	...	...	50	...	2	...	143	91	213
Allegany	24	1	...	...	...	...	...	11	1	11
Broome	225	1	1	5	...	5	...	53	44	116
Cattaraugus	80	14	1	3	...	1	...	23	1	37
Cayuga	129	4	13	9	...	...	2	28	13	60
Chautauqua	57	10	...	...	...	3	...	10	6	28
Chemung	117	1	...	1	...	2	2	22	27	62
Chenango	10	...	...	...	...	...	...	6	...	4
Clinton	10	...	...	...	...	...	...	6	...	4
Columbia	54	3	...	2	...	3	1	2	5	38
Cortland	9	...	...	...	...	...	...	5	...	4
Delaware	7	...	...	1	...	...	...	2	1	3
Dutchess	250	22	57	...	...	...	1	103	13	54
Erie	655	27	...	3	1	2	1	366	89	166
Essex	23	3	1	1	...	...	1	5	2	10
Franklin	12	...	...	...	...	...	...	...	...	12
Fulton	21	...	...	...	...	...	...	5	...	16
Genesee	47	1	...	...	...	...	...	17	3	26
Greene	10	...	...	3	...	...	...	5	...	2
Hamilton	3	...	...	...	...	...	...	2	...	1
Herkimer	39	...	1	...	...	...	...	...	...	38
Jefferson	60	...	8	...	...	...	1	6	...	45
Lewis	1	...	...	...	...	...	...	1	...	...
Livingston	36	22	...	...	...	...	...	4	4	6
Madison	59	2	...	5	...	1	...	39	3	9
Monroe	774	114	...	4	...	1	8	225	156	266
Montgomery	36	4	...	...	...	1	1	6	3	21
Nassau	628	12	...	83	...	...	3	118	119	293
Niagara	185	8	5	...	...	2	...	68	6	96
Oneida	111	11	2	5	...	2	...	13	9	69
Onondaga	1013	350	...	5	...	20	6	265	223	144
Ontario	25	1	...	3	...	...	...	...	...	21
Orange	211	21	7	2	...	...	2	70	35	74
Orleans	35	...	...	...	...	...	1	1	3	30
Oswego	40	...	...	...	...	...	...	3	5	32
Otsego	11	...	...	1	...	...	...	2	...	8
Putnam	35	2	1	...	...	...	...	28	1	3
Rensselaer	...	...	...	...	...	...	...	...	...	...
Rockland	134	15	...	...	...	7	1	27	23	61
St.Lawrence	17	...	...	...	...	...	1	1	1	14
Saratoga	131	11	...	5	...	13	5	42	25	30
Schenectady	127	10	22	5	...	1	...	11	4	74
Schoharie	3	...	...	...	...	...	...	...	...	3
Schuyler	4	...	...	...	...	...	...	1	1	2
Seneca	39	1	...	...	1	1	...	14	2	20
Steuben	79	9	15	4	...	3	...	20	3	25
Suffolk	555	219	...	5	...	6	1	44	115	165
Sullivan	53	15	2	...	...	3	...	20	2	11
Tioga	...	...	...	...	...	...	...	...	...	...
Tompkins	42	5	...	2	...	1	2	9	13	10
Ulster	141	32	...	3	...	4	3	43	...	56
Warren	27	...	1	...	...	...	...	3	2	21
Washington	45	14	...	...	...	...	...	13	1	17
Wayne	112	26	...	1	...	8	...	26	1	50
Westchester	338	46	1	7	...	2	3	81	14	184
Wyoming	12	...	...	3	...	...	...	1	...	8
Yates	15	...	...	...	...	...	...	1	...	14

Table A-41
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Breakdown of Dispositions (Allegations Established)
1992

				Placement								
Location	Total	Cond. Disch.	Prob.	Home Rel., Pvt. Person	Comm. Social Services	DFY Title II	DFY Title III	DFY 60 Day Option	DFY 6 Mth. Resid.	Soc. Serv. Trans. to MH	DFY Trans. to MH	Other Place-Ment
Total New York State	4288	414	2357	24	398	433	566	12	16	4	7	57
Total New York City	1501	129	723	2	13	326	234	5	14	...	2	53
New York	495	25	231	1	4	102	125	2	...	...	...	5
Kings	160	14	78	...	3	24	17	3	10	...	2	9
Queens	550	40	280	1	...	168	23	...	4	...	...	34
Bronx	296	50	134	...	6	32	69	...	...	...	...	5
Richmond	...	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	2787	285	1634	22	385	107	332	7	2	4	5	4
Albany	213	11	133	...	38	...	30	...	...	1	...	...
Allegany	11	...	6	...	2	...	3	...	...	...	...	...
Broome	116	24	53	...	29	3	6	...	...	...	1	...
Cattaraugus	37	...	33	...	1	...	3	...	...	...	...	...
Cayuga	60	5	29	...	9	...	16	...	...	1	...	...
Chautauqua	28	...	19	...	4	...	5	...	...	...	...	...
Chemung	62	12	20	...	14	...	16	...	...	...	...	...
Chenango	4	...	1	...	1	...	2	...	...	...	...	...
Clinton	4	...	2	...	1	...	1	...	...	...	...	...
Columbia	38	1	22	...	6	...	9	...	...	...	...	...
Cortland	4	2	2	...	...	...	...	...	...	...	...	...
Delaware	3	...	1	...	2	...	...	...	...	...	...	...
Dutchess	54	...	35	...	5	11	1	...	...	1	...	1
Erie	166	...	116	...	39	4	7	...	...	...	...	...
Essex	10	...	4	...	1	...	5	...	...	...	...	...
Franklin	12	...	7	...	5	...	...	...	...	...	...	...
Fulton	16	...	14	...	1	...	1	...	...	...	...	...
Genesee	26	2	21	...	2	...	1	...	...	...	...	...
Greene	2	...	...	...	1	1	...	...	...	...	...	...
Hamilton	1	...	...	...	...	...	1	...	...	...	...	...
Herkimer	38	4	20	1	12	1	...	...	...	...	...	...
Jefferson	45	1	30	...	10	...	4	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...	...
Livingston	6	...	6	...	...	...	...	...	...	...	...	...
Madison	9	1	2	1	2	...	3	...	...	...	...	...
Monroe	266	32	134	...	8	...	92	...	...	...	...	...
Montgomery	21	1	12	...	1	...	7	...	...	...	...	...
Nassau	293	48	183	1	1	24	31	...	...	1	3	1
Niagara	96	32	40	...	...	15	9	...	...	...	...	...
Oneida	69	...	37	...	14	13	5	...	...	...	...	...
Onondaga	144	34	52	1	36	8	13	...	...	...	...	...
Ontario	21	...	15	...	5	...	...	1	...	...	...	...
Orange	74	7	39	...	20	1	6	1	...	...	...	...
Orleans	30	...	9	...	18	2	...	...	...	...	...	1
Oswego	32	3	19	...	3	...	7	...	...	...	...	...
Otsego	8	1	4	1	1	1	...	...	...	...	...	...
Putnam	3	1	1	...	1	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...	...
Rockland	61	4	48	...	8	...	...	1	...	...	...	...
St.Lawrence	14	3	9	...	1	1	...	...	...	...	...	...
Saratoga	30	1	12	...	11	...	6	...	...	...	...	...
Schenectady	74	3	45	...	12	1	12	1	...	...	...	...
Schoharie	3	...	3	...	...	...	...	...	...	...	...	...
Schuyler	2	...	2	...	...	...	...	...	...	...	...	...
Seneca	20	2	10	...	3	1	4	...	...	...	...	...
Steuben	25	1	17	...	1	1	5	...	...	...	...	...
Suffolk	165	15	143	...	...	1	6	...	...	...	...	...
Sullivan	11	5	6	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...	...
Tompkins	10	...	7	...	3	...	...	...	...	...	...	...
Ulster	56	5	36	...	9	5	...	1	...	...	...	...
Warren	21	12	6	...	2	...	1	...	...	...	...	...
Washington	17	...	9	1	4	...	3	...	...	...	...	...
Wayne	50	9	26	...	5	8	1	...	1	...	...	...
Westchester	184	3	121	16	28	2	9	2	1	...	1	1
Wyoming	8	...	3	...	3	1	1	...	...	...	...	...
Yates	14	...	10	...	2	2	...	...	...	...	...	...

Table A-42
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Crimes Alleged In Petitions:
1992

	Total New York State	Total New York City	Total Upstate
FELONIES			
Assault or Related Offenses	603	314	289
Homicide	16	8	8
Criminal Trespass/Burglary	960	86	874
Criminal Mischief/Tamp	526	193	333
Grand Larceny	993	619	374
Robbery	717	462	255
Crim.Poss.Stolen Property	750	424	326
Controlled Substance Offense	710	523	187
Marijuana Possession/Sale	6	3	3
Weapon Offenses	209	152	57
Other Felonies	634	242	392
MISDEMEANORS			
Assault or Related Offenses	1624	516	1108
Crim.Trespass/Burg.Or Rel.Offenses	594	149	445
Crim.Mischief/Tamp./Reck.End.Prop.	1057	200	857
Petit Larceny	2046	321	1725
Theft & Related Offenses	1439	353	1086
Controlled Substance Offenses	557	420	137
Marijuana Possession/Sale	24	13	11
Riot/Harass./Loitering	194	44	150
Unlawful Possession Weapon	265	111	154
Weapon Offenses	361	227	134
Other Misdemeanors	745	269	476

Note: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-43
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removal From Criminal CourtsAnd Designated Felonies: Crimes Found to Have Been Committed
1992

Total	Total New York State	Total New York City	Total Upstate
FELONIES			
Assault or Related Offenses	131	70	61
Homicide	7	2	5
Criminal Trespass/Burglary	330	16	314
Criminal Mischief/Tamp.	109	18	91
Grand Larceny	230	134	96
Robbery	210	131	79
Crim.Poss.Stolen Property	193	134	59
Controlled Substance Offense	337	279	58
Marijuana Possession/Sale	5	3	2
Weapon Offenses	79	61	18
Other Felonies	237	91	146
MISDEMEANORS			
Assault or Related Offenses	672	175	497
Crim.Trespass/Burg.Or Rel.Offenses	300	51	249
Crim.Mischief/Tamp./Reck.End.Prop.	438	54	384
Petit Larceny	997	85	912
Theft & Related Offenses	883	322	561
Controlled Substance Offenses	233	149	84
Marijuana Possession/Sale	8	5	3
Riot/Harass./Loitering	54	5	49
Unlawful Possession Weapon	117	22	95
Weapon Offenses	118	73	45
Other Misdemeanors	367	134	233
Allegation Not Established	4630	845	3785

Note: The number of crimes found to have been committed exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-44
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Co-Respondent In Each Petition
1992

Location	Total	None	1	2	3	4 or More
Total New York State	10043	5995	2198	1080	419	351
Total New York City	2628	1607	583	269	85	84
New York	805	527	141	68	23	46
Kings	439	246	99	72	10	12
Queens	855	531	211	65	37	11
Bronx	529	303	132	64	15	15
Richmond	...	...	...	...	...	...
Total Upstate	7415	4388	1615	811	334	267
Albany	499	273	119	57	32	18
Allegany	24	12	7	5	...	...
Broome	225	99	60	30	17	19
Cattaraugus	80	52	20	2	...	6
Cayuga	129	114	11	4	...	...
Chautauqua	57	48	4	1	3	1
Chemung	117	50	38	10	9	10
Chenango	10	8	2	...	...	...
Clinton	10	6	2	2	...	...
Columbia	54	27	18	9	...	...
Cortland	9	4	3	1	1	...
Delaware	7	7	...	...	...	...
Dutchess	250	188	36	14	6	6
Erie	655	346	169	88	48	4
Essex	23	12	8	3	...	...
Franklin	12	6	4	2	...	...
Fulton	21	5	8	4	4	...
Genesee	47	27	14	6	...	...
Greene	10	6	...	4	...	...
Hamilton	3	1	2	...	...	...
Herkimer	39	20	15	3	1	...
Jefferson	60	42	10	5	...	3
Lewis	1	1	...	...	...	...
Livingston	36	17	4	1	...	14
Madison	59	25	9	10	4	11
Monroe	774	531	158	50	32	3
Montgomery	36	20	6	5	4	1
Nassau	628	346	136	90	29	27
Niagara	185	116	33	22	8	6
Oneida	111	82	16	7	...	6
Onondaga	1013	663	220	82	23	25
Ontario	25	16	3	2	...	4
Orange	211	96	45	27	20	23
Orleans	35	22	5	8	...	...
Oswego	40	22	7	6	5	...
Otsego	11	5	4	2	...	...
Putnam	35	13	6	2	5	9
Rensselaer	...	...	...	...	...	...
Rockland	134	66	33	9	8	18
St.Lawrence	17	14	3	...	...	...
Saratoga	131	58	34	28	8	3
Schenectady	127	87	19	18	2	1
Schoharie	3	2	1	...	...	...
Schuyler	4	1	...	3	...	...
Seneca	39	20	11	4	...	4
Steuben	79	44	14	16	4	1
Suffolk	555	333	109	66	22	25
Sullivan	53	38	9	2	4	...
Tioga	...	...	...	...	...	...
Tompkins	42	28	8	4		2
Ulster	141	72	38	28	2	1
Warren	27	8	8	5	6	...
Washington	45	30	6	6	2	1
Wayne	112	42	36	23	6	5
Westchester	338	199	79	32	[illegible]	9
Wyoming	12	11	1	...	...	...
Yates	15	7	4	3	...	1

Table A-45
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals FromCriminal Courts And Designated Felonies: Age of Alleged Victims By Crime Alleged

1992

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applic-able*	Not Avail-able	Not Repor-ted
Total New York State									
FELONIES									
Assault or Related Offenses	3010	12	64	24	3	1	102	407	2397
Homicide	70	...	4	...	...	...	6	5	55
Criminal Trespass/Burglary	4795	1	9	37	26	6	619	286	3811
Criminal Mischief/Tamp.	2155		3	12	10	4	276	148	1702
Grand Larceny	3560	3	35	20	17	7	266	376	2836
Robbery	1590	6	51	4	3	4	101	167	1254
Crim.Poss.Stolen Property	2305		3	22	10	4	285	142	1839
Controlled Substance Offense	3480	1	1	1	...	...	604	89	2784
Marijuana Possession/Sale	20	...	...	...	...	...	3	1	16
Weapon Offenses	725	...	1	...	...	...	104	40	580
Other Felonies	2320	152	50	6	7	2	126	139	1838
MISDEMEANORS									
Assault or Related Offenses	5735	58	274	62	21	1	151	607	4561
Crim.Trespass/Burg.Or Rel.Offenses	1960	...	1	7	5	1	299	87	1560
Crim.Mischief/Tamp./Reck.End.Prop.	3355	2	3	30	19		453	180	2668
Petit Larceny	6740	5	16	30	20	3	1132	160	5374
Theft & Related Offenses	3960	3	9	65	42	12	449	219	3161
Controlled Substance Offenses	795	...	3	...	...	...	148	10	634
Marijuana Possession/Sale	80	1	...	...	...	...	13	2	64
Riot/Harass./Loitering	645	...	5	7	3	...	81	35	514
Unlawful Possession Weapon	525	2	6	1	...	...	82	15	419
Weapon Offenses	465	1	17	11	1	...	51	14	370
Other Misdemeanors	1925	56	60	11	3	...	196	67	1532
Total	50215	303	615	350	190	45	5547	3196	39969
Total New York City									
FELONIES									
Assault or Related Offenses	1570	4	3	...	...	1	55	256	1251
Homicide	30	...	...	...	...	...	3	3	24
Criminal Trespass/Burglary	430	...	...	...	...	...	48	39	343
Criminal Mischief/Tamp.	770	...	...	...	...	1	77	78	614
Grand Larceny	2210	1	7	...	...	...	120	318	1764
Robbery	530	...	6	...	...	...	24	76	424
Crim.Poss.Stolen Property	1025	...	...	...	...	...	129	76	820
Controlled Substance Offense	2555	1	...	...	...	...	425	85	2044
Marijuana Possession/Sale	5	...	...	...	...	...	1	...	4
Weapon Offenses	595	...	...	...	...	...	84	35	476
Other Felonies	665	9	8	...	...	...	37	79	532
MISDEMEANORS									
Assault or Related Offenses	735	...	3	...	...	...	32	112	588
Crim.Trespass/Burg.Or Rel.Offenses	225	...	...	1	...	...	32	12	180
Crim.Mischief/Tamp./Reck.End.Prop.	325	...	...	...	...	...	51	14	260
Petit Larceny	315	...	...	...	...	...	43	20	252
Theft & Related Offenses	380	...	...	...	...	...	53	23	304
Controlled Substance Offenses	275	...	...	...	...	...	49	6	220
Marijuana Possession/Sale	45	...	...	...	...	...	7	2	36
Riot/Harass./Loitering	10	...	...	...	...	...	2		8
Unlawful Possession Weapon	110	...	...	...	...	...	16	6	88
Weapon Offenses	75	...	...	...	...	...	13	2	60
Other Misdemeanors	260	...	...	...	...	...	38	15	207
Total	13140	15	27	1		2	1339	1257	10499

* No Victims

Note: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-46
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Age of Alleged Victims By Crime Alleged
1992

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applic-able*	Not Avail-able	Not Repor-ted
Total Outside New York City									
FELONIES									
Assault or Related Offenses	1440	8	61	24	3	...	47	151	1146
Homicide	40	...	4	...	...	...	3	2	31
Criminal Trespass/Burglary	4365	1	9	37	26	6	571	247	3468
Criminal Mischief/Tamp.	1385	...	3	12	10	3	199	70	1088
Grand Larceny	1350	2	28	20	17	7	146	58	1072
Robbery	1060	6	45	4	3	4	77	91	830
Crim.Poss.Stolen Property	1280	...	3	22	10	4	156	66	1019
Controlled Substance Offense	925	...	1	1	...	...	179	4	740
Marijuana Possession/Sale	15	...	...	...	...	...	2	1	12
Weapon Offenses	130	...	1	...	...	...	20	5	104
Other Felonies	1655	143	42	6	7	2	89	60	1306
MISDEMEANORS									
Assault or Related Offenses	5000	58	271	62	21	1	119	495	3973
Crim.Trespass/Burg.Or Rel.Offenses	1735	...	1	6	5	1	267	75	1380
Crim.Mischief/Tamp./Reck.End.Prop.	3030	2	3	30	19	...	402	166	2408
Petit Larceny	6425	5	16	30	20	3	1089	140	5122
Theft & Related Offenses	3580	3	9	65	42	12	396	196	2857
Controlled Substance Offenses	520	...	3	...	...	...	99	4	414
Marijuana Possession/Sale	35	1	...	...	...	...	6	...	28
Riot/Harass./Loitering	635	...	5	7	3	...	79	35	506
Unlawful Possession Weapon	415	2	6	1	...	...	66	9	331
Weapon Offenses	390	1	17	11	1	...	38	12	310
Other Misdemeanors	1665	56	60	11	3	...	158	52	1325
Total	37075	288	588	349	190	43	4208	1939	29470

* No Victims

Note: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-47
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Adjournments From Filing Petition to Completion of Fact-Finding Hearing

1992

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	10043	2036	1740	1125	634	347	149	276	3736
Total New York City	2628	104	452	472	319	195	83	220	783
New York	805	37	110	135	113	74	31	92	213
Kings	439	6	39	38	42	29	10	33	242
Queens	855	26	206	232	100	50	17	38	186
Bronx	529	35	97	67	64	42	25	57	142
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	7415	1932	1288	653	315	152	66	56	2953
Albany	499	210	162	81	23	14	5	4	...
Allegany	24	6	4	1	...	...	...	...	13
Broome	225	107	18	12	1	...	...	...	87
Cattaraugus	80	19	19	3	...	1	...	...	38
Cayuga	129	104	17	6	...	...	...	...	2
Chautauqua	57	8	19	1	1	...	...	...	28
Chemung	117	30	35	13	13	6	1	2	17
Chenango	10	9	...	...	...	...	...	...	1
Clinton	10	3	5	...	...	...	...	...	2
Columbia	54	25	6	8	2	...	...	...	13
Cortland	9	1	2	1	...	...	...	...	5
Delaware	7	3	3	...	...	...	...	...	1
Dutchess	250	16	25	18	9	3	4	2	173
Erie	655	28	54	44	35	23	10	10	451
Essex	23	10	3	1	1	...	...	...	8
Franklin	12	12	...	...	...	...	...	...	...
Fulton	21	11	8	...	1	...	...	...	1
Genesee	47	8	13	1	2	2	...	1	20
Greene	10	7	...	1	1	...	...	...	1
Hamilton	3	...	3	...	...	...	...	...	...
Herkimer	39	13	16	8	2	...	...	...	...
Jefferson	60	10	16	11	1	3	4	2	13
Lewis	1	...	1	...	...	...	...	...	...
Livingston	36	31	1	...	...	1	...	...	3
Madison	59	2	3	2	1	...	...	...	51
Monroe	774	515	114	65	42	18	8	11	1
Montgomery	36	1	9	12	3	1	1	...	9
Nassau	628	31	155	106	55	20	15	8	238
Niagara	185	108	24	4	3	1	2	...	43
Oneida	111	32	33	9	3	1	...	...	33
Onondaga	1013	20	61	48	32	17	3	7	825
Ontario	25	16	6	3	...	...	...	...	...
Orange	211	7	46	24	4	1	...	...	129
Orleans	35	15	11	5	1	1	...	...	2
Oswego	40	4	35	...	...	...	...	...	1
Otsego	11	8	2	...	...	...	...	...	1
Putnam	35	2	1	1	...	...	...	1	30
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	134	12	28	34	3	1	1	...	55
St.Lawrence	17	6	7	1	...	...	...	...	3
Saratoga	131	47	21	10	5	2	...	...	46
Schenectady	127	35	31	17	5	1	...	1	37
Schoharie	3	...	3	...	...	...	...	...	...
Schuyler	4	...	2	...	...	...	...	...	2
Seneca	39	3	15	8	4	...	1	...	8
Steuben	79	44	17	1	...	...	...	...	17
Suffolk	555	99	52	33	26	21	7	4	313
Sullivan	53	8	17	1	1	...	...	...	26
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	42	3	7	2	2	2	2	2	22
Ulster	141	36	20	5	9	3			68
Warren	27	13	8	...	...	...	...	...	6
Washington	45	13	4	...	...	...	...	...	28
Wayne	112	7	24	19	11	5	...	...	46
Westchester	338	166	91	27	13	4	1	1	35
Wyoming	12	6	1	3	...	...	1	...	1
Yates	15	2	10	3	...	...	...	...	...

* Disposed before fact-finding

Table A-48
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Excluding Removals From Criminal Courts And Designated Felonies: Adjournments From Completion of Fact-Finding HearingTo Completion of Dispositional Hearing

1992

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	10043	2478	1943	910	455	248	133	203	3673
Total New York City	2628	356	598	404	218	104	65	117	766
New York	805	95	200	130	67	36	27	51	199
Kings	439	46	63	30	17	17	9	12	245
Queens	855	85	238	178	92	37	17	25	183
Bronx	529	130	97	66	42	14	12	29	139
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	7415	2122	1345	506	237	144	68	86	2907
Albany	499	99	165	110	52	35	18	20	...
Allegany	24	2	6	2	1	...	...	...	13
Broome	225	129	3	2	1	...	1	...	89
Cattaraugus	80	13	25	1	1	...	...	...	40
Cayuga	129	79	42	6	...	...	...	...	2
Chautauqua	57	5	21	3	...	...	...	...	28
Chemung	117	34	53	5	3	2	1	...	19
Chenango	10	8	1	...	...	...	...	...	1
Clinton	10	2	5	1	...	...	...	...	2
Columbia	54	20	14	4	...	1	1	...	14
Cortland	9	1	2	1	1	...	...	...	4
Delaware	7	2	3	1	...	...	...	...	1
Dutchess	250	29	26	12	4	3	...	...	176
Erie	655	111	37	26	12	8	4	5	452
Essex	23	7	8	...	...	...	...	...	8
Franklin	12		12		...	...	...	...	...
Fulton	21	14	5	1	...	...	...	...	1
Genesee	47	2	18	5	2	...	...	...	20
Greene	10	7	1	...	...	...	...	...	2
Hamilton	3	2	1	...	...	...	...	...	...
Herkimer	39	18	19	2	...	...	...	...	...
Jefferson	60	42	3	1	...	1	...	...	13
Lewis	1	1	...	...	...	...	...	...	...
Livingston	36	24	5	...	...	4	...	...	3
Madison	59	1	5	2	...	...	...	...	51
Monroe	774	519	96	40	41	35	18	17	8
Montgomery	36	6	7	6	5	3			9
Nassau	628	97	174	79	31	17	11	14	205
Niagara	185	117	25	...	...	...	...	...	43
Oneida	111	15	45	10	6	1		1	33
Onondaga	1013	57	58	28	22	7	6	11	824
Ontario	25	6	11	7	...	...	1	...	...
Orange	211	12	54	13	2	1	...	...	129
Orleans	35	12	18	2	...	...	...	...	3
Oswego	40	15	24	...	...	...	...	...	1
Otsego	11	7	3	...	...	...	...	...	1
Putnam	35	1	2	...	1	1	...	...	30
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	134	30	28	13	9	...	1	...	53
St.Lawrence	17	4	9	1	...	...	...	...	3
Saratoga	131	40	26	12	6	...	...	...	47
Schenectady	127	16	43	19	5	3	...	1	40
Schoharie	3	...	3	...	...	...	...	...	...
Schuyler	4	...	1	1	...	...	...	...	2
Seneca	39	22	4	...	...	...	...	...	13
Steuben	79	44	14	2	...	...	...	3	16
Suffolk	555	177	36	11	6	7	2	4	312
Sullivan	53	14	6	7	1	...	...	...	25
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	42	8	8	1	2	1	...	...	22
Ulster	141	26	44	27	8	...	1	...	35
Warren	27	9	9	2	2	...	...	...	5
Washington	45	11	5	1	...	...	...	...	28
Wayne	112	14	30	9	2	4	2	5	46
Westchester	338	178	73	28	10	10	1	5	33
Wyoming	12	6	3	1	1	...	...	...	1
Yates	15	7	6	1	...	...	...	...	1

* Disposed before fact-finding

Table A-49
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Age of Boys When Act Committed
1992

Location	Total	7-9	10-12	13-15	Other
Total New York State	8753	95	953	7488	217
Total New York City	2374	9	123	2197	45
New York	716	...	39	656	21
Kings	383	5	19	354	5
Queens	813	1	32	771	9
Bronx	462	3	33	416	10
Richmond	...	...	...	...	...
Total Upstate	6379	86	830	5291	172
Albany	391	9	76	305	1
Allegany	21	...	6	14	1
Broome	212	1	30	181	...
Cattaraugus	79	1	11	67	...
Cayuga	109	3	20	82	4
Chautauqua	54	2	7	45	...
Chemung	78	1	11	65	1
Chenango	9	...	1	8	...
Clinton	9	...	...	9	...
Columbia	51	1	10	40	...
Cortland	8	...	1	6	1
Delaware	6	...	1	5	...
Dutchess	209	2	37	167	3
Erie	613	3	71	538	1
Essex	18	...	1	17	...
Franklin	11	1	...	10	...
Fulton	18	...	2	16	...
Genesee	38	5	9	24	...
Greene	9	...	...	9	...
Hamilton	3	2	...	1	...
Herkimer	35	2	5	27	1
Jefferson	53	1	9	43	...
Lewis	1	...	...	1	...
Livingston	31	1	14	16	...
Madison	54	2	15	34	3
Monroe	659	8	65	586	...
Montgomery	26	...	1	25	...
Nassau	508	1	34	424	49
Niagara	167	1	21	132	13
Oneida	96	3	11	82	...
Onondaga	822	14	126	680	2
Ontario	23	...	...	23	...
Orange	182	3	23	150	6
Orleans	33	2	3	28	...
Oswego	36	...	2	34	...
Otsego	8	...	2	6	...
Putnam	34	...	4	30	...
Rensselaer	...	...	...	...	...
Rockland	119	1	19	99	...
St.Lawrence	14	...	2	12	...
Saratoga	112	2	20	90	...
Schenectady	106	1	14	91	...
Schoharie	2	...	...	2	...
Schuyler	4	...	1	3	...
Seneca	36	...	11	22	3
Steuben	73	1	4	68	...
Suffolk	509	2	42	410	55
Sullivan	45	...	12	32	1
Tioga	...	...	...	...	...
Tompkins	41	1	9	31	...
Ulster	125	1	17	105	2
Warren	25	...	3	22	...
Washington	43	2	5	36	...
Wayne	103	1	18	84	...
Westchester	285	5	21	234	25
Wyoming	8	...	1	7	...
Yates	15	...	2	13	...

Table A-50
FAMILY COURT
Original Dispositions OfJuvenile Delinquency (Excluding Designated Felony) Petitions: Age of Girls When Act Committed
1992

Location	Total	7-9	10-12	13-15	Other
Total New York State	1355	10	185	1133	27
Total New York City	289	...	15	270	4
New York	95	...	5	89	1
Kings	59	...	4	54	1
Queens	63	...	3	59	1
Bronx	72	...	3	68	1
Richmond	...	...	...	...	...
Total Upstate	1066	10	170	863	23
Albany	108	1	21	86	...
Allegany	3	...	1	2	...
Broome	14	...	4	10	...
Cattaraugus	1	...	...	1	...
Cayuga	20	...	4	14	2
Chautauqua	3	...	1	2	...
Chemung	39	...	9	30	...
Chenango	1	...	...	1	...
Clinton	1	...	...	1	...
Columbia	3	...	...	3	...
Cortland	1	...	...	1	...
Delaware	1	...	...	1	...
Dutchess	42	...	8	33	1
Erie	61	1	7	53	...
Essex	5	...	1	4	...
Franklin	1	...	...	1	...
Fulton	3	...	1	2	...
Genesee	9	...	1	8	...
Greene	1	...	...	1	...
Hamilton	...	...	...	...	...
Herkimer	4	1	2	1	...
Jefferson	7	...	1	6	...
Lewis	...	...	...	...	...
Livingston	5	...	...	5	...
Madison	5	...	2	2	1
Monroe	116	2	17	97	...
Montgomery	10	...	1	9	...
Nassau	121	2	8	105	6
Niagara	18	...	2	16	...
Oneida	15	...	3	12	...
Onondaga	194	1	42	151	...
Ontario	2	...	2	...	...
Orange	29	...	5	24	...
Orleans	2	...	...	2	...
Oswego	4	...	...	4	...
Otsego	3	...	...	3	...
Putnam	1	...	...	1	...
Rensselaer	...	...	...	...	...
Rockland	15	...	4	11	...
St.Lawrence	3	...	...	3	...
Saratoga	19	...	2	16	1
Schenectady	22	...	5	17	...
Schoharie	1	...	...	1	...
Schuyler	...	...	...	...	...
Seneca	3	...	...	2	1
Steuben	6	...	2	4	...
Suffolk	49	1	3	40	5
Sullivan	8	...	2	5	1
Tioga	...	...	...	...	...
Tompkins	1	...	...	1	...
Ulster	16	...	1	14	1
Warren	2	...	...	2	...
Washington	2	...	...	2	...
Wayne	9	...	3	6	...
Westchester	53	1	3	45	4
Wyoming	4	...	2	2	...
Yates	...	...	...	...	...

Table A-51
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Type of Petition
1992

Location	Total	Original JD Petition	JD Petition Substituted For DF Petition
Total New York State	10108	10017	91
Total New York City	2663	2602	61
New York	811	796	15
Kings	442	441	1
Queens	876	838	38
Bronx	534	527	7
Richmond	...	...	...
Total Upstate	7445	7415	30
Albany	499	499	...
Allegany	24	24	...
Broome	226	222	4
Cattaraugus	80	80	...
Cayuga	129	129	...
Chautauqua	57	56	1
Chemung	117	115	2
Chenango	10	10	...
Clinton	10	10	...
Columbia	54	54	...
Cortland	9	9	...
Delaware	7	7	...
Dutchess	251	250	1
Erie	674	672	2
Essex	23	23	...
Franklin	12	12	...
Fulton	21	21	...
Genesee	47	47	...
Greene	10	10	...
Hamilton	3	3	...
Herkimer	39	39	...
Jefferson	60	60	...
Lewis	1	1	...
Livingston	36	36	...
Madison	59	59	...
Monroe	775	775	...
Montgomery	36	36	...
Nassau	629	625	4
Niagara	185	177	8
Oneida	111	111	...
Onondaga	1016	1014	2
Ontario	25	25	...
Orange	211	211	...
Orleans	35	35	...
Oswego	40	39	1
Otsego	11	11	...
Putnam	35	35	...
Rensselaer	...	...	...
Rockland	134	134	...
St.Lawrence	17	17	...
Saratoga	131	131	...
Schenectady	128	128	...
Schoharie	3	3	...
Schuyler	4	4	...
Seneca	39	39	...
Steuben	79	79	...
Suffolk	558	556	2
Sullivan	53	53	...
Tioga	...	...	...
Tompkins	42	42	...
Ulster	141	141	...
Warren	27	26	1
Washington	45	45	...
Wayne	112	112	...
Westchester	338	336	2
Wyoming	12	12	...
Yates	15	15	...

Table A-52
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Origin of Case
1992

Location	Total	Family Court This County	Family Court Another County	Removal By Local Criminal Court	Removal By Grand Jury	Removal by Supreme or County Court bef. Adjudication	Removal by Supreme or County Court bef. Sentence
Total New York State	10108	9906	137	53	8	3	1
Total New York City	2663	2553	75	30	4	1	...
New York	811	794	11	3	2	1	...
Kings	442	426	13	2	1	...	...
Queens	876	813	42	21	...	...	...
Bronx	534	520	9	4	1	...	...
Richmond	...	...	...	...	...	...	...
Total Upstate	7445	7353	62	23	4	2	1
Albany	499	498	1	...	...	...	...
Allegany	24	22	2	...	...	...	...
Broome	226	221	4	1	...	...	...
Cattaraugus	80	78	2	...	...	...	...
Cayuga	129	126	3	...	...	...	...
Chautauqua	57	56	1	...	...	...	...
Chemung	117	117	...	...	...	...	...
Chenango	10	9	1	...	...	...	...
Clinton	10	9	1	...	...	...	...
Columbia	54	54	...	...	...	...	...
Cortland	9	9	...	...	...	...	...
Delaware	7	6	1	...	...	...	...
Dutchess	251	248	2	1	...	...	...
Erie	674	652	3	18	1	...	...
Essex	23	22	1	...	...	...	...
Franklin	12	12	...	...	...	...	...
Fulton	21	20	1	...	...	...	...
Genesee	47	47	...	...	...	...	...
Greene	10	10	...	...	...	...	...
Hamilton	3	2	1	...	...	...	...
Herkimer	39	39	...	...	...	...	...
Jefferson	60	60	...	...	...	...	...
Lewis	1	1	...	...	...	...	...
Livingston	36	36	...	...	...	...	...
Madison	59	58	1	...	...	...	...
Monroe	775	773	1	...	1	...	...
Montgomery	36	35	1	...	...	...	...
Nassau	629	627	1	...	...	...	1
Niagara	185	183	2	...	...	...	...
Oneida	111	108	3	...	...	...	...
Onondaga	1016	1007	6	1	1	1	...
Ontario	25	25	...	...	...	...	...
Orange	211	209	2	...	...	...	...
Orleans	35	35	...	...	...	...	...
Oswego	40	40	...	...	...	...	...
Otsego	11	11	...	...	...	...	...
Putnam	35	35	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...
Rockland	134	134	...	...	...	...	...
St.Lawrence	17	17	...	...	...	...	...
Saratoga	131	126	5	...	...	...	...
Schenectady	128	125	2	...	1	...	...
Schoharie	3	3	...	...	...	...	...
Schuyler	4	4	...	...	...	...	...
Seneca	39	39	...	...	...	...	...
Steuben	79	78	1	...	...	...	...
Suffolk	558	554	1	2	...	1	...
Sullivan	53	53	...	...	...	...	...
Tioga	...	...	...	...	...	...	...
Tompkins	42	40	2	...	...	...	...
Ulster	141	141	...	...	...	...	...
Warren	27	23	4	...	...	...	...
Washington	45	43	2	...	...	...	...
Wayne	112	111	1	...	...	...	...
Westchester	338	336	2	...	...	...	...
Wyoming	12	12	...	...	...	...	...
Yates	15	14	1	...	...	...	...

Table A-53
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Presentment Agency
1992

Location	Total	County Attorney	Corporation Counsel	District Attorney	Other
Total New York State	10108	7454	2542	87	25
Total New York City	2663	60	2539	64	...
New York	811	9	795	7	...
Kings	442	17	423	2	...
Queens	876	18	811	47	...
Bronx	534	16	510	8	...
Richmond	...	...	...	...	...
Total Upstate	7445	7394	3	23	25
Albany	499	499	...	...	...
Allegany	24	24	...	...	...
Broome	226	220	...	1	5
Cattaraugus	80	80	...	...	...
Cayuga	129	129	...	...	...
Chautauqua	57	57	...	...	...
Chemung	117	117	...	...	...
Chenango	10	10	...	...	...
Clinton	10	10	...	...	...
Columbia	54	54	...	...	...
Cortland	9	9	...	...	...
Delaware	7	7	...	...	...
Dutchess	251	248	...	3	...
Erie	674	659	...	13	2
Essex	23	23	...	...	...
Franklin	12	12	...	...	...
Fulton	21	21	...	...	...
Genesee	47	47	...	...	...
Greene	10	10	...	...	...
Hamilton	3	3	...	...	...
Herkimer	39	39	...	...	...
Jefferson	60	60	...	...	...
Lewis	1	1	...	...	...
Livingston	36	36	...	...	...
Madison	59	59	...	...	...
Monroe	775	775	...	...	...
Montgomery	36	36	...	...	...
Nassau	629	628	...	...	1
Niagara	185	185	...	...	...
Oneida	111	110	...	...	1
Onondaga	1016	1014	1	1	...
Ontario	25	25	...	...	...
Orange	211	211	...	...	...
Orleans	35	35	...	...	...
Oswego	40	40	...	...	...
Otsego	11	11	...	...	...
Putnam	35	35	...	...	...
Rensselaer	...	...	...	...	...
Rockland	134	134	...	...	...
St.Lawrence	17	17	...	...	...
Saratoga	131	119	...	...	12
Schenectady	128	126	...	1	1
Schoharie	3	3	...	...	...
Schuyler	4	4	...	...	...
Seneca	39	39	...	...	...
Steuben	79	79	...	...	...
Suffolk	558	552	...	4	2
Sullivan	53	52	...	...	1
Tioga	...	...	...	...	...
Tompkins	42	42	...	...	...
Ulster	141	139	2	...	...
Warren	27	27	...	...	...
Washington	45	45	...	...	...
Wayne	112	112	...	...	...
Westchester	338	338	...	...	...
Wyoming	12	12	...	...	...
Yates	15	15	...	...	...

Table A-54
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Legal Representation
1992

Location	Total	Law Guardian Panel	Legal Aid Society	Private Retained	None
Total New York State	10108	7535	1909	503	161
Total New York City	2663	1148	1339	108	68
New York	811	420	326	19	46
Kings	442	201	224	16	1
Queens	876	285	518	58	15
Bronx	534	242	271	15	6
Richmond	...	...	...	...	...
Total Upstate	7445	6387	570	395	93
Albany	499	479	...	20	...
Allegany	24	24	...	...	...
Broome	226	226	...	...	...
Cattaraugus	80	80	...	...	...
Cayuga	129	128	...	1	...
Chautauqua	57	57	...	...	...
Chemung	117	117	...	...	...
Chenango	10	10	...	...	...
Clinton	10	10	...	...	...
Columbia	54	54	...	...	...
Cortland	9	9	...	...	...
Delaware	7	7	...	...	...
Dutchess	251	249	...	2	...
Erie	674	636	1	36	1
Essex	23	23	...	...	...
Franklin	12	12	...	...	...
Fulton	21	21	...	...	...
Genesee	47	47	...	...	...
Greene	10	10	...	...	...
Hamilton	3	3	...	...	...
Herkimer	39	39	...	...	...
Jefferson	60	59	1	...	...
Lewis	1	1	...	...	...
Livingston	36	36	...	...	...
Madison	59	50	...	1	8
Monroe	775	282	407	19	67
Montgomery	36	36	...	...	...
Nassau	629	458	2	159	10
Niagara	185	181	...	4	...
Oneida	111	107	...	4	...
Onondaga	1016	1004	1	9	2
Ontario	25	25	...	...	...
Orange	211	112	85	14	...
Orleans	35	35	...	...	...
Oswego	40	39	...	1	...
Otsego	11	9	...	2	...
Putnam	35	31	...	4	...
Rensselaer	...	...	...	...	...
Rockland	134	48	72	14	...
St.Lawrence	17	17	...	...	...
Saratoga	131	129	...	2	...
Schenectady	128	128	...	...	...
Schoharie	3	3	...	...	...
Schuyler	4	4	...	...	...
Seneca	39	39	...	...	...
Steuben	79	79	...	...	...
Suffolk	558	462	...	91	5
Sullivan	53	53	...	...	...
Tioga	...	...	...	...	...
Tompkins	42	40	...	2	...
Ulster	141	140	...	1	...
Warren	27	27	...	...	...
Washington	45	44	...	1	...
Wayne	112	112	...	...	...
Westchester	338	329	1	8	...
Wyoming	12	12	...	...	...
Yates	15	15	...	...	...

Table A-55
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Restitution or Public Service Recommended or Ordered
1992

Location	Total	Restitution or Pub. Services Recommended or Ordered	Restitution or Pub. Services Not Recommended or Ordered
Total New York State	10108	1301	8807
Total New York City	2663	74	2589
New York	811	9	802
Kings	442	8	434
Queens	876	41	835
Bronx	534	16	518
Richmond	...	...	...
Total Upstate	7445	1227	6218
Albany	499	27	472
Allegany	24	4	20
Broome	226	69	157
Cattaraugus	80	15	65
Cayuga	129	2	127
Chautauqua	57	4	53
Chemung	117	45	72
Chenango	10	1	9
Clinton	10	5	5
Columbia	54	26	28
Cortland	9	2	7
Delaware	7	1	6
Dutchess	251	31	220
Erie	674	136	538
Essex	23	4	19
Franklin	12	3	9
Fulton	21	12	9
Genesee	47	7	40
Greene	10	2	8
Hamilton	3	2	1
Herkimer	39	16	23
Jefferson	60	13	47
Lewis	1	1	...
Livingston	36	26	10
Madison	59	30	29
Monroe	775	71	704
Montgomery	36	12	24
Nassau	629	32	597
Niagara	185	53	132
Oneida	111	22	89
Onondaga	1016	84	932
Ontario	25	10	15
Orange	211	20	191
Orleans	35	14	21
Oswego	40	13	27
Otsego	11	1	10
Putnam	35	18	17
Rensselaer	...	...	...
Rockland	134	61	73
St.Lawrence	17	6	11
Saratoga	131	26	105
Schenectady	128	15	113
Schoharie	3	2	1
Schuyler	4	2	2
Seneca	39	14	25
Steuben	79	24	55
Suffolk	558	94	464
Sullivan	53	9	44
Tioga	...	...	...
Tompkins	42	6	36
Ulster	141	4	137
Warren	27	15	12
Washington	45	13	32
Wayne	112	16	96
Westchester	338	79	259
Wyoming	12	2	10
Yates	15	5	10

Table A-56
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Children Released And Detained Before Petition Filed
1992

Location	Total	Not Released Pursuant to 307.4	Released Pursuant to 307.4	Not Applic-able*
Total New York State	10108	437	189	9482
Total New York City	2663	222	132	2309
New York	811	81	19	711
Kings	442	15	23	404
Queens	876	69	41	766
Bronx	534	57	49	428
Richmond	...	...	...	...
Total Upstate	7445	215	57	7173
Albany	499	...	...	499
Allegany	24	1	...	23
Broome	226	5	...	221
Cattaraugus	80	1	...	79
Cayuga	129	8	...	121
Chautauqua	57	...	...	57
Chemung	117	1	...	116
Chenango	10	...	...	10
Clinton	10	1	...	9
Columbia	54	3	...	51
Cortland	9	...	...	9
Delaware	7	...	...	7
Dutchess	251	4	3	244
Erie	674	25	24	625
Essex	23	1	...	22
Franklin	12	...	...	12
Fulton	21	3	...	18
Genesee	47	1	...	46
Greene	10	2	...	8
Hamilton	3	...	...	3
Herkimer	39	...	...	39
Jefferson	60	...	...	60
Lewis	1	...	...	1
Livingston	36	...	...	36
Madison	59	1	...	58
Monroe	775	...	...	775
Montgomery	36	1	...	35
Nassau	629	57	2	570
Niagara	185	1	1	183
Oneida	111	1	...	110
Onondaga	1016	35	4	977
Ontario	25	2	...	23
Orange	211	4	...	207
Orleans	35	...	...	35
Oswego	40	...	...	40
Otsego	11	...	...	11
Putnam	35	...	...	35
Rensselaer	...	...	...	...
Rockland	134	1	...	133
St.Lawrence	17	...	...	17
Saratoga	131	1	...	130
Schenectady	128	1	...	127
Schoharie	3	...	...	3
Schuyler	4	...	...	4
Seneca	39	...	8	31
Steuben	79	...	1	78
Suffolk	558	2	3	553
Sullivan	53	...	...	53
Tioga	...	...	...	...
Tompkins	42	3	...	39
Ulster	141	1	...	140
Warren	27	1	...	26
Washington	45	...	...	45
Wayne	112	1	...	111
Westchester	338	46	11	281
Wyoming	12	...	...	12
Yates	15	...	...	15

* Respondent Not Detained

Table A-57
FAMILY COURT
Original Dispositions Of Juvenile Delinquency (Excluding Designated Felony) Petitions: Children Released And Detained After Petition Filed
1992

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181 or More Days	Not Detained
Total New York State	10108	477	271	206	291	582	84	12	8185
Total New York City	2663	244	93	92	132	246	34	6	1816
New York	811	83	44	36	58	83	7	1	499
Kings	442	49	6	9	5	19	6	...	348
Queens	876	55	18	33	52	86	15	4	613
Bronx	534	57	25	14	17	58	6	1	356
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	7445	233	178	114	159	336	50	6	6369
Albany	499	4	11	10	47	24	...	...	403
Allegany	24	1	...	...	...	3	...	...	20
Broome	226	7	2	6	6	15	6	1	183
Cattaraugus	80	3	4	...	...	1	...	...	72
Cayuga	129	...	8	...	...	...	...	...	121
Chautauqua	57	1	1	1	1	...	...	...	53
Chemung	117	1	1	2	1	9	4	...	99
Chenango	10	...	...	...	...	...	...	...	10
Clinton	10	...	...	...	...	1	...	...	9
Columbia	54	2	1	2	...	...	...	...	49
Cortland	9	...	...	...	...	...	...	...	9
Delaware	7	...	...	...	...	...	...	...	7
Dutchess	251	5	3	2	5	10	1	...	225
Erie	674	44	29	31	15	44	5	...	506
Essex	23	1	...	...	...	...	...	...	22
Franklin	12	...	...	...	1	...	...	...	11
Fulton	21	...	...	...	1	...	...	...	20
Genesee	47	...	...	...	...	...	...	...	47
Greene	10	2	...	...	...	...	...	...	8
Hamilton	3	...	...	...	1	...	...	...	2
Herkimer	39	...	...	...	...	...	...	1	38
Jefferson	60	...	...	...	...	2	...	...	58
Lewis	1	...	...	...	...	...	...	...	1
Livingston	36	...	...	...	...	...	...	...	36
Madison	59	1	1	...	1	4	...	...	52
Monroe	775	52	32	17	37	98	5	...	534
Montgomery	36	...	1	...	2	2	...	...	31
Nassau	629	34	15	3	8	10	4	1	554
Niagara	185	1	1	...	3	...	1	...	179
Oneida	111	6	10	5	...	4	...	...	86
Onondaga	1016	25	21	6	13	52	13	2	884
Ontario	25	3	1	...	1	2	...	...	18
Orange	211	4	4	4	...	2	...	...	197
Orleans	35	1	...	...	...	...	...	...	34
Oswego	40	...	1	2	1	3	1	...	32
Otsego	11	...	...	...	...	2	...	...	9
Putnam	35	...	...	...	...	...	...	...	35
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	134	3	1	2	1	5	1	...	121
St.Lawrence	17	...	...	...	...	...	...	...	17
Saratoga	131	1	4	6	...	...	...	...	120
Schenectady	128	5	4	3	4	4	...	...	108
Schoharie	3	...	...	...	...	...	...	...	3
Schuyler	4	...	1	...	...	...	...	...	3
Seneca	39	...	...	...	...	...	...	...	39
Steuben	79	3	...	...	...	7	...	...	69
Suffolk	558	12	16	5	2	1	...	...	522
Sullivan	53	...	...	...	...	...	...	...	53
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	42	1	1	...	...	...	...	...	40
Ulster	141	2	2	1	...	...	...	...	136
Warren	27	...	...	...	...	2	...	...	25
Washington	45	...	...	1	6	4	...	...	34
Wayne	112	...	...	2	...	5	3	...	102
Westchester	338	8	2	2	2	20	6	1	297
Wyoming	12	...	...	...	...	...	...	...	12
Yates	15	...	...	1	...	...	...	...	14

Table A-58
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Days From Filing Petition to Completion of Fact-Finding Hearing
1992

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	65	5	4	3	2	18	3	1	...	...	29
Total New York City	35	1	2	2	2	16	3	...	...	...	9
New York	6	...	...	...	1	3	2	...	...	...	...
Kings	3	...	1	1	...	1	...	...	...	...	...
Queens	21	1	...	...	1	11	1	...	...	...	7
Bronx	5	...	1	1	...	1	...	...	...	...	2
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	30	4	2	1	...	2	...	1	...	...	20
Albany	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	1	1	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	1	...	...	...	...	...	...	...	...	...	1
Erie	19	...	1	1	...	1	...	1	...	...	15
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...
Monroe	1	1	...	...	...	...	...	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	1	...	...	...	...	...	...	...	...	...	1
Niagara	...	...	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...
Onondaga	3	...	...	...	...	...	...	...	...	...	3
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	1	...	1	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...
Suffolk	3	2	...	...	...	1	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

* Disposed before fact-finding

Table A-59
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Days From Completion of Fact-Finding Hearing to Completion of Dispositional Hearing
1992

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	65	6	1	2	1	17	3	5	1	...	29
Total New York City	35	3	1	1	...	12	3	5	1	...	9
New York	6	1	1	...	...	3	1	...	...	...	...
Kings	3	...	...	...	...	...	1	1	1	...	...
Queens	21	2	...	...	...	7	1	4	...	...	7
Bronx	5	...	...	1	...	2	...	...	...	...	2
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	30	3	...	1	1	5	...	...	...	...	20
Albany	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	1	1	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	1	...	...	...	...	...	...	...	...	...	1
Erie	19	1	...	1	1	1	...	...	...	...	15
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...
Monroe	1	...	...	...	...	1	...	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	1	...	...	...	...	...	...	...	...	...	1
Niagara	...	...	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...
Onondaga	3	...	...	...	...	...	...	...	...	...	3
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	1	...	...	...	...	1	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...
Suffolk	3	1	...	...	...	2	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

* Disposed before fact-finding

Table A-60
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Outcome of Fact-Finding
1992

Location	Total	Allegat. Established In Whole or In Part After FF Hearing	Allegat. Established In Whole or In Part By Admission	Allegations Not Established After FF Hearing	Not Applicable*	Not Applicable JO Removed For Disp. Only
Total New York State	65	1	33	2	29	...
Total New York City	35	1	23	2	9	...
New York	6	1	4	1	...	...
Kings	3	...	3	...	...	...
Queens	21	...	13	1	7	...
Bronx	5	...	3	...	2	...
Richmond	...	...	...	...	...	...
Total Upstate	30	...	10	...	20	...
Albany	...	...	...	...	...	...
Allegany	...	...	...	...	...	...
Broome	1	...	1	...	...	...
Cattaraugus	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...
Chemung	...	...	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	1	...	...	...	1	...
Erie	19	...	4	...	15	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	...	...	...	...	...	...
Genesee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	...	...	...	...	...	...
Monroe	1	...	1	...	...	...
Montgomery	...	...	...	...	...	...
Nassau	1	...	...	...	1	...
Niagara	...	...	...	...	...	...
Oneida	...	...	...	...	...	...
Onondaga	3	...	...	...	3	...
Ontario	...	...	...	...	...	...
Orange	...	...	...	...	...	...
Orleans	...	...	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	...	...	...	...	...	...
Putnam	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...
Rockland	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	1	...	1	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	...	...	...	...	...	...
Suffolk	3	...	3	...	...	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...
Ulster	...	...	...	...	...	...
Warren	...	...	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...
Yates	...	...	...	...	...	...

* Disposed before fact-finding

Table A-61
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Duration of Probation
1992

Location	Total	0-6 Months	7-12 Months	13-18 Months	19-24 Months
Total New York State	65	45	9	5	6
Total New York City	35	21	7	5	2
New York	6	3	2	1	...
Kings	3	1	1	...	1
Queens	21	13	4	4	...
Bronx	5	4	...	...	1
Richmond	...	...	...	...	...
Total Upstate	30	24	2	...	4
Albany	...	...	...	...	...
Allegany	...	...	...	...	...
Broome	1	1	...	...	...
Cattaraugus	...	...	...	...	...
Cayuga	...	...	...	...	...
Chautauqua	...	...	...	...	...
Chemung	...	...	...	...	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	1	1	...	...	...
Erie	19	17	2	...	...
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	...	...	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	...	...	...	...	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	...	...	...	...	...
Monroe	1	...	...	...	1
Montgomery	...	...	...	...	...
Nassau	1	1	...	...	...
Niagara	...	...	...	...	...
Oneida	...	...	...	...	...
Onondaga	3	3	...	...	...
Ontario	...	...	...	...	...
Orange	...	...	...	...	...
Orleans	...	...	...	...	...
Oswego	...	...	...	...	...
Otsego	...	...	...	...	...
Putnam	...	...	...	...	...
Rensselaer	...	...	...	...	...
Rockland	...	...	...	...	...
St.Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	1	...	...	...	1
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	...	...	...	...	...
Suffolk	3	1	...	...	2
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	...	...	...	...	...
Ulster	...	...	...	...	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	...	...	...	...	...
Wyoming	...	...	...	...	...
Yates	...	...	...	...	...

Table A-62
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Breakdown of Dispositions (Allegations Not Established)

1992

		Dispositions —Allegations Not Established								
Location	Total	With-Drawn	Consoli-dated	Change of Venue	Found Incapaci-tated	Dismissed in Further-ance of Justice	Dismissed After Fact-Finding Hearing	ACD	Other Dismissal	Total Disps.-Allegs. Est.
Total New York State	65	14	...	1	...	...	1	11	5	33
Total New York City	35	8	...	...	...	...	1	2	1	23
New York	6	...	...	...	...	...	1	...	...	5
Kings	3	...	...	...	...	...	...	...	...	3
Queens	21	6	...	...	...	...	...	2	1	12
Bronx	5	2	...	...	...	...	...	...	...	3
Richmond	...	...	...	...	...	...	...	...	...	...
Total Upstate	30	6	...	1	...	...	...	9	4	10
Albany	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...
Broome	1	...	...	1	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...
Dutchess	1	1	...	...	...	...	...	...	...	...
Erie	19	3	...	...	...	...	...	9	3	4
Essex	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...
Monroe	1	...	...	...	...	...	...	...	...	1
Montgomery	...	...	...	...	...	...	...	...	...	...
Nassau	1	...	...	...	...	...	...	...	...	1
Niagara	...	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...
Onondaga	3	2	...	...	...	...	...	...	1	...
Ontario	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...
Schenectady	1	...	...	...	...	...	...	...	...	1
Schoharie	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...
Suffolk	3	...	...	...	...	...	...	...	...	3
Sullivan	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...

Table A-63
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Breakdown of Dispositions (Allegations Established)
1992

				Placement								
Location	Total	Conditional Disch.	Probation	Home, Relative Private Person	Comm. Social Services	DFY Title II	DFY Title III	DFY 60 Day Option	DFY 6 Mth. Resid.	Soc. Serv. Trans. to Mental Hygiene	DFY Trans. to Mental Hygiene	Other Placement
Total New York State	33	...	20	...	2	5	5	...	...	...	...	1
Total New York City	23	...	14	...	...	5	3	...	...	...	...	1
New York	5	...	3	...	...	...	2	...	...	...	...	...
Kings	3	...	2	...	...	1	...	...	...	...	...	...
Queens	12	...	8	...	...	2	1	...	...	...	...	1
Bronx	3	...	1	...	...	2	...	...	...	...	...	...
Richmond	...	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	10	...	6	...	2	...	2	...	...	...	...	...
Albany	...	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...	...
Erie	4	...	2	...	2	...	...	...	...	...	...	...
Essex	...	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...	...
Monroe	1	...	1	...	...	...	...	...	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...	...	...	...
Nassau	1	...	...	...	...	...	1	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...	...
Onondaga	...	...	...	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...	...
Schenectady	1	...	1	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...	...
Suffolk	3	...	2	...	...	...	1	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...	...

Table A-64
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Crimes Alleged In Petitions:
1992

	Total New York State	Total New York City	Total Upstate
FELONIES			
Assault or Related Offenses	14	7	7
Homicide	1	1	...
Criminal Trespass/Burglary	1	1	...
Criminal Mischief/Tamp.	3	...	3
Grand Larceny	7	5	2
Robbery	39	23	16
Crim.Poss.Stolen Property	5	1	4
Controlled Substance Offense	2	1	1
Marijuana Possession/Sale	...	...	...
Weapon Offenses	6	6	...
Other Felonies	7	5	2
MISDEMEANORS			
Assault or Related Offenses	11	5	6
Crim.Trespass/Burg.Or Rel.Offenses	4	1	3
Crim.Mischief/Tamp./Reck.End.Prop.	2	1	1
Petit Larceny	...	...	...
Theft & Related Offenses	9	6	3
Controlled Substance Offenses	...	...	...
Marijuana Possession/Sale	1	1	...
Riot/Harass./Loitering	3	...	3
Unlawful Possession Weapon	1	1	...
Weapon Offenses	5	5	...
Other Misdemeanors	5	5	...

Note: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-65
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Crimes Found to Have Been Committed
1992

	Total New York State	Total New York City	Total Upstate
FELONIES			
Assault or Related Offenses	5	4	1
Homicide	1	1	...
Criminal Trespass/Burglary	...	...	...
Criminal Mischief/Tamp.	...	...	...
Grand Larceny	5	5	...
Robbery	10	6	4
Crim.Poss.Stolen Property	...	...	...
Controlled Substance Offense	...	...	...
Marijuana Possession/Sale	...	...	...
Weapon Offenses	1	1	...
Other Felonies	4	3	1
MISDEMEANORS			
Assault or Related Offenses	2	2	...
Crim.Trespass/Burg.Or Rel.Offenses	...	...	...
Crim.Mischief/Tamp./Reck.End.Prop.	...	...	...
Petit Larceny	2	...	2
Theft & Related Offenses	4	2	2
Controlled Substance Offenses	...	...	...
Marijuana Possession/Sale	1	1	...
Riot/Harass./Loitering	...	...	...
Unlawful Possession Weapon	...	...	...
Weapon Offenses	1	...	1
Other Misdemeanors	3	2	1
Allegation Not Established	28	10	18

Note: The number of crimes found to have been committed exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-66 (Partial)
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Age of Alleged Victims By Crime Alleged
1992

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applicable*	Not Available	Not Reported
Total New York State									
FELONIES									
Assault or Related Offenses	70	...	2	...	...	...	3	10	55
Homicide	5	...	...	...	...	...	...	1	4
Criminal Trespass/Burglary	5	...	...	...	...	...	...	1	4
Criminal Mischief/Tamp.	15	...	...	...	...	...	1	2	12
Grand Larceny	20	...	...	...	...	...	1	3	16
Robbery	135	...	1	...	...	...	7	19	108
Crim.Poss.Stolen Property	5	...	...	...	...	...	1	...	4
Controlled Substance Offense	5	...	...	...	...	...	...	1	4
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Weapon Offenses	5	...	...	...	...	...	1	...	4
Other Felonies	20	...	...	...	...	...	...	4	16
MISDEMEANORS									
Assault or Related Offenses	15	...	...	...	...	...	1	2	12
Crim.Trespass/Burg.Or Rel.Offenses	10	...	...	...	...	...	1	1	8
Crim.Mischief/Tamp./Reck.End.Prop.	5	...	...	...	...	...	1	...	4
Petit Larceny	...	...	...	...	...	...	...	...	...
Theft & Related Offenses	...	...	...	...	...	...	...	...	...
Controlled Substance Offenses	...	...	...	...	...	...	...	...	...
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Riot/Harass./Loitering	5	...	...	...	...	...	1	...	4
Unlawful Possession Weapon	...	...	...	...	...	...	...	...	...
Weapon Offenses	...	...	...	...	...	...	...	...	...
Other Misdemeanors	5	...	...	...	...	...	1	...	4
Total	325	...	3	...	...	...	19	44	259

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applicable*	Not Available	Not Reported
Total New York City									
FELONIES									
Assault or Related Offenses	35	...	...	...	...	...	2	5	28
Homicide	5	...	...	...	...	...	...	1	4
Criminal Trespass/Burglary	5	...	...	...	...	...	...	1	4
Criminal Mischief/Tamp.	...	...	...	...	...	...	...	...	...
Grand Larceny	15	...	...	...	...	...	1	2	12
Robbery	85	...	...	...	...	...	3	14	68
Crim.Poss.Stolen Property	...	...	...	...	...	...	...	...	...
Controlled Substance Offense	5	...	...	...	...	...	...	1	4
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Weapon Offenses	5	...	...	...	...	...	1	...	4
Other Felonies	10	...	...	...	...	...	...	2	8
MISDEMEANORS									
Assault or Related Offenses	5	...	...	...	...	...	1	...	4
Crim.Trespass/Burg.Or Rel.Offenses	...	...	...	...	...	...	...	...	...
Crim.Mischief/Tamp./Reck.End.Prop.	...	...	...	...	...	...	...	...	...
Petit Larceny	...	...	...	...	...	...	...	...	...
Theft & Related Offenses	...	...	...	...	...	...	...	...	...
Controlled Substance Offenses	...	...	...	...	...	...	...	...	...
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Riot/Harass./Loitering	...	...	...	...	...	...	...	...	...
Unlawful Possession Weapon	...	...	...	...	...	...	...	...	...
Weapon Offenses	...	...	...	...	...	...	...	...	...
Other Misdemeanors	5	...	...	...	...	...	1	...	4
Total	175	...	...	...	...	...	9	26	140

* No Victims

Note: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-66 (Concl.)
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Age of Alleged Victims By Crime Alleged

1992

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applic-able*	Not Avail-able	Not Repor-ted
Total Outside New York City									
FELONIES									
Assault or Related Offenses	35	...	2	...	...	...	1	5	27
Homicide	...	...	...	...	...	...	...	...	...
Criminal Trespass/Burglary	...	...	...	...	...	...	...	...	...
Criminal Mischief/Tamp.	15	...	...	...	...	...	1	2	12
Grand Larceny	5	...	...	...	...	...	...	1	4
Robbery	50	...	1	...	...	...	4	5	40
Crim.Poss.Stolen Property	5	...	...	...	...	...	1	...	4
Controlled Substance Offense	...	...	...	...	...	...	...	...	...
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Weapon Offenses	...	...	...	...	...	...	...	...	...
Other Felonies	10	...	...	...	...	...	...	2	8
MISDEMEANORS									
Assault or Related Offenses	10	...	...	...	...	...	...	2	8
Crim.Trespass/Burg.Or Rel.Offenses	10	...	...	...	...	...	1	1	8
Crim.Mischief/Tamp./Reck.End.Prop.	5	...	...	...	...	...	1	...	4
Petit Larceny	...	...	...	...	...	...	...	...	...
Theft & Related Offenses	...	...	...	...	...	...	...	...	...
Controlled Substance Offenses	...	...	...	...	...	...	...	...	...
Marijuana Possession/Sale	...	...	...	...	...	...	...	...	...
Riot/Harass./Loitering	5	...	...	...	...	...	1	...	4
Unlawful Possession Weapon	...	...	...	...	...	...	...	...	...
Weapon Offenses	...	...	...	...	...	...	...	...	...
Other Misdemeanors	...	...	...	...	...	...	...	...	...
Total	150	...	3	...	...	...	10	18	119

* No Victims

Note: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-67
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Co-Respondent In Each Petition
1992

Location	Total	None	1	2	3	4 or More
Total New York State	65	44	14	3	3	1
Total New York City	35	23	9	1	1	1
New York	6	4	...	1	...	1
Kings	3	2	1	...	...	...
Queens	21	12	8	...	1	...
Bronx	5	5	...	...	...	...
Richmond	...	...	...	...	...	...
Total Upstate	30	21	5	2	2	...
Albany	...	...	...	...	...	...
Allegany	...	...	...	...	...	...
Broome	1	1	...	...	...	...
Cattaraugus	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...
Chemung	...	...	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	1	1	...	...	...	...
Erie	19	12	5	...	2	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	...	...	...	...	...	...
Genesee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	...	...	...	...	...	...
Monroe	1	1	...	...	...	...
Montgomery	...	...	...	...	...	...
Nassau	1	1	...	...	...	...
Niagara	...	...	...	...	...	...
Oneida	...	...	...	...	...	...
Onondaga	3	2	...	1	...	...
Ontario	...	...	...	...	...	...
Orange	...	...	...	...	...	...
Orleans	...	...	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	...	...	...	...	...	...
Putnam	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...
Rockland	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	1	1	...	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	...	...	...	...	...	...
Suffolk	3	2	...	1	...	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...
Ulster	...	...	...	...	...	...
Warren	...	...	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...
Yates	...	...	...	...	...	...

Table A-68
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Adjournments From Filing Petition to Completion of Fact-Finding Hearing
1992

Location	Total	None	1	2	3	4	5	6 or More	Not Applic-able*
Total New York State	65	8	4	14	6	1	2	2	28
Total New York City	35	2	4	10	6	1	2	2	8
New York	6	...	1	...	2	...	2	1	...
Kings	3	...	...	2	1	...	...	...	...
Queens	21	2	3	6	3	1	...	...	6
Bronx	5	...	...	2	...	...	...	1	2
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	30	6	...	4	...	...	...	...	20
Albany	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	1	1	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	1	...	...	...	...	...	...	...	1
Erie	19	1	...	3	...	...	...	...	15
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	1	1	...	...	...	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	1	...	...	...	...	...	...	...	1
Niagara	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...
Onondaga	3	...	...	...	...	...	...	...	3
Ontario	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	1	1	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	3	2	...	1	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

* Disposed before fact-finding

Table A-69
FAMILY COURT
Original Dispositions of Juvenile Delinquency Petitions Removed From Criminal Courts (Excluding Designated Felonies): Adjournments From Completion of Fact-Finding Hearing to Completion of Dispositional Hearing
1992

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	65	5	12	5	5	2	3	5	28
Total New York City	35	3	8	4	3	1	3	4	9
New York	6	1	2	1	1	...	1	...	...
Kings	3	...	...	1	1	...	...	1	...
Queens	21	2	5	2	1	...	1	3	7
Bronx	5	...	1	...	...	1	1	...	2
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	30	2	4	1	2	1	...	1	19
Albany	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	1	1	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	1	...	...	...	...	...	...	...	1
Erie	19	1	2	...	1	...	...	...	15
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	1	...	...	1	...	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	1	...	...	...	...	...	...	1	...
Niagara	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...
Onondaga	3	...	...	...	...	...	...	...	3
Ontario	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	1	...	...	...	1	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	3	...	2	...	...	1	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

* Disposed before fact-finding

Table A-70
FAMILY COURT
Juvenile Delinquency (Excluding Designated Felony) Petitions: Orders Extending Placement
1992

	Total Orders Extending Placement	1st Order Extending Placement	2nd Order Extending Placement	3rd Order Extending Placement	4th or More Order Extending Placement
New York State					
Home, Rel., Pvt. Person	9	8	1	...	...
Comm. Social Service	258	151	74	16	17
Dfy Title Ii	264	163	62	27	12
Dfy Title Iii	382	241	99	29	13
Dfy 6 Month Resid.	26	12	10	4	...
Soc. Serv. Trans. To Mh	10	8	1	...	1
Dfy Trans. To Mh	2	1	...	1	...
Other Placement	22	17	5	...	...
**Total	973	601	252	77	43
New York City					
Home, Rel., Pvt. Person	2	1	1	...	...
Comm. Social Service	5	2	2	...	1
Dfy Title Ii	142	92	30	14	6
Dfy Title Iii	66	39	20	5	2
Dfy 6 Month Resid.	6	5	1	...	...
Soc. Serv. Trans. To Mh	1	...	...	...	1
Dfy Trans. To Mh	...	...	...	...	...
Other Placement	20	15	5	...	...
**Total	242	154	59	19	10
Outside New York City					
Home, Rel., Pvt. Person	7	7	...	...	...
Comm. Social Service	253	149	72	16	16
Dfy Title Ii	122	71	32	13	6
Dfy Title Iii	316	202	79	24	11
Dfy 6 Month Resid.	20	7	9	4	...
Soc. Serv. Trans. To Mh	9	8	1	...	...
Dfy Trans. To Mh	2	1	...	1	...
Other Placement	2	2	...	...	...
**Total	731	447	193	58	33

This table only includes those 110 forms where petition type (Section E) is code 1 -JD.

Table A-71
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts:
Days From Filing Petition to Completion of Fact-Finding Hearing
1992

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	218	17	24	8	8	48	14	4	1	1	93
Total New York City	86	5	5	2	5	23	4	1	1	...	40
New York	24	4	...	1	4	9	...	...	...	...	6
Kings	10	1	1	...	...	3	1	...	...	...	4
Queens	30	...	...	...	1	2	1	...	...	...	26
Bronx	22	...	4	1	...	9	2	1	1	...	4
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	132	12	19	6	3	25	10	3	...	1	53
Albany	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	5	1	...	...	...	...	...	...	...	...	4
Cattaraugus	1	...	...	...	...	...	...	...	...	...	1
Cayuga	2	...	2	...	...	...	...	...	...	...	...
Chautauqua	14	1	1	...	2	5	...	...	...	...	5
Chemung	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	2	...	...	...	...	...	...	...	...	...	2
Dutchess	3	...	...	...	...	...	...	...	...	...	3
Erie	11	...	2	...	...	1	2	1	...	...	5
Essex	1	...	...	...	...	1	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	1	...	...	...	...	1	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	1	...	...	...	...	...	...	1	...	...	...
Jefferson	4	...	1	...	...	1	...	...	...	...	2
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...
Monroe	27	2	7	5	...	5	1	...	...	...	7
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	12	1	...	...	...	...	1	...	...	...	10
Niagara	2	1	...	...	...	...	1	...	...	...	...
Oneida	3	...	...	...	...	2	1	...	...	...	...
Onondaga	9	1	...	...	...	...	...	...	...	...	8
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	2	...	...	...	...	...	...	...	...	...	2
Orleans	3	1	...	...	...	...	...	...	...	...	2
Oswego	6	...	...	...	...	4	2	...	...	...	...
Otsego	1	...	...	...	...	1	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	1	...	...	...	...	...	1	...	...	...	...
St.Lawrence	2	1	...	...	...	1	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	2	...	...	...	...	1	...	1	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	2	...	2	...	...	...	...	...	...	...	...
Suffolk	2	...	...	...	...	1	...	...	...	...	1
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	2	...	...	...	...	...	1	...	...	...	1
Ulster	1	...	...	1	...	...	...	...	...	...	...
Warren	1	...	...	...	...	...	...	...	...	1	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	8	3	4	...	1	...	...	...	...	...	...
Wyoming	1	...	...	...	...	1	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

* Disposed before fact-finding

Table A-72
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts:
Days From Completion of Fact-Finding Hearing to Completion of Dispositional Hearing
1992

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	218	35	7	3	11	57	11	1	...	...	93
Total New York City	86	14	5	3	3	17	4	...	...	...	40
New York	24	6	2	2	1	7	...	...	...	...	6
Kings	10	3	...	...	...	2	1	...	...	...	4
Queens	30	2	1	...	...	...	1	...	...	...	26
Bronx	22	3	2	1	2	8	2	...	...	...	4
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	132	21	2	...	8	40	7	1	...	...	53
Albany	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	5	1	...	...	...	...	...	...	...	...	4
Cattaraugus	1	...	...	...	...	...	...	...	...	...	1
Cayuga	2	1	...	...	...	1	...	...	...	...	...
Chautauqua	14	3	1	...	1	4	...	...	...	...	5
Chemung	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	2	...	...	...	...	...	...	...	...	...	2
Dutchess	3	...	...	...	...	...	...	...	...	...	3
Erie	11	4	...	...	...	2	...	...	...	...	5
Essex	1	...	...	...	...	1	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	1	...	...	...	...	1	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	1	1	...	...	...	...	...	...	...	...	...
Jefferson	4	1	...	...	...	1	...	...	...	...	2
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...
Monroe	27	1	...	...	2	14	3	...	...	...	7
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	12	...	...	...	...	2	...	...	...	...	10
Niagara	2	1	...	...	1	...	...	...	...	...	...
Oneida	3	...	...	...	...	3	...	...	...	...	...
Onondaga	9	...	...	...	...	1	...	...	...	...	8
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	2	...	...	...	...	...	...	...	...	...	2
Orleans	3	1	...	...	...	...	...	...	...	...	2
Oswego	6	5	...	...	...	1	...	...	...	...	...
Otsego	1	...	...	...	...	1	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	1	...	...	...	...	1	...	...	...	...	...
St.Lawrence	2	1	...	...	...	1	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	2	...	...	...	...	1	1	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	2	...	...	...	...	...	2	...	...	...	...
Suffolk	2	...	1	...	...	...	...	...	...	...	1
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	2	...	...	...	...	1	...	...	...	...	1
Ulster	1	...	...	...	...	...	1	...	...	...	...
Warren	1	1	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	8	...	...	...	4	3	...	1	...	...	...
Wyoming	1	...	...	...	...	1	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

* Disposed before fact-finding

Table A-73
FAMILY COURT
Original Dispositions of Designated Felony PetitionsExcluding Removals From Criminal Courts: Outcome of Fact-Finding
1992

Location	Total	Allegat. Established In Whole or In Part After FF Hearing	Allegat. Established In Whole or In Part By Admission	Allegations Not Established After FF Hearing	Not Applicable*	Not Applicable JO Removed For Disp. Only
Total New York State	218	15	101	9	93	...
Total New York City	86	11	31	4	40	...
New York	24	5	13	...	6	...
Kings	10	1	5	...	4	...
Queens	30	...	2	2	26	...
Bronx	22	5	11	2	4	...
Richmond	...	...	...	...	...	...
Total Upstate	132	4	70	5	53	...
Albany	...	...	...	...	...	...
Allegany	...	...	...	...	...	...
Broome	5	...	1	...	4	...
Cattaraugus	1	...	...	...	1	...
Cayuga	2	...	1	1	...	...
Chautauqua	14	...	9	...	5	...
Chemung	...	...	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	2	...	...	...	2	...
Dutchess	3	...	...	...	3	...
Erie	11	...	5	1	5	...
Essex	1	...	1	...	...	...
Franklin	...	...	...	...	...	...
Fulton	1	...	1	...	...	...
Genesee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	1	...	1	...	...	...
Jefferson	4	...	2	...	2	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	...	...	...	...	...	...
Monroe	27	...	19	1	7	...
Montgomery	...	...	...	...	...	...
Nassau	12	...	2	...	10	...
Niagara	2	...	2	...	...	...
Oneida	3	1	2	...	...	...
Onondaga	9	...	1	...	8	...
Ontario	...	...	...	...	...	...
Orange	2	...	...	...	2	...
Orleans	3	...	1	...	2	...
Oswego	6	...	6	...	...	...
Otsego	1	...	1	...	...	...
Putnam	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...
Rockland	1	...	1	...	...	...
St.Lawrence	2	...	1	1	...	...
Saratoga	...	...	...	...	...	...
Schenectady	2	1	1	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	2	...	2	...	...	...
Suffolk	2	...	1	...	1	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	2	1	...	...	1	...
Ulster	1	...	1	...	...	...
Warren	1	...	...	1	...	...
Washington	...	...	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	8	1	7	...	...	...
Wyoming	1	...	1	...	...	...
Yates	...	...	...	...	...	...

* Disposed before fact-finding

Table A-74
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Duration of Probation
1992

Location	Total	0-6 Months	7-12 Months	13-18 Months	19-24 Months
Total New York State	218	170	22	9	17
Total New York City	86	71	6	6	3
New York	24	18	2	2	2
Kings	10	8	...	2	...
Queens	30	29	...	...	1
Bronx	22	16	4	2	...
Richmond	...	...	...	...	...
Total Upstate	132	99	16	3	14
Albany	...	...	...	...	...
Allegany	...	...	...	...	...
Broome	5	5	...	...	...
Cattaraugus	1	1	...	...	...
Cayuga	2	2	...	...	...
Chautauqua	14	12	2	...	...
Chemung	...	...	...	...	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	2	2	...	...	...
Dutchess	3	3	...	...	...
Erie	11	10	1	...	...
Essex	1	1	...	...	...
Franklin	...	...	...	...	...
Fulton	1	1	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	1	...	1	...	...
Jefferson	4	3	1	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	...	...	...	...	...
Monroe	27	20	4	...	3
Montgomery	...	...	...	...	...
Nassau	12	11	...	...	1
Niagara	2	...	2	...	...
Oneida	3	1	1	1	...
Onondaga	9	9	...	...	...
Ontario	...	...	...	...	...
Orange	2	2	...	...	...
Orleans	3	3	...	...	...
Oswego	6	2	...	...	4
Otsego	1	1	...	...	...
Putnam	...	...	...	...	...
Rensselaer	...	...	...	...	...
Rockland	1	...	...	...	1
St.Lawrence	2	2	...	...	...
Saratoga	...	...	...	...	...
Schenectady	2	1	1	...	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	2	...	...	...	2
Suffolk	2	1	...	...	1
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	2	1	...	...	1
Ulster	1	1	...	...	...
Warren	1	1	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	8	3	2	2	1
Wyoming	1	...	1	...	...
Yates	...	...	...	...	...

Table A-75
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts:
Breakdown of Dispositions (Allegations Not Established)
1992

	Dispositions -Allegations Not Established								
Location	Total	With-Drawn	Consolidated	Change of Venue	Found Incap.	Dismissed Furth. of Justice	Dismissed After FF Hearing	Other Dismissal	Total Disps. Allegs. Est.
Total New York State	218	41	6	3	...	4	9	42	113
Total New York City	86	27	...	...	...	1	4	11	43
New York	24	3	...	...	...	...	...	3	18
Kings	10	3	...	...	...	1	...	...	6
Queens	30	19	...	...	...	...	2	7	2
Bronx	22	2	...	...	...	...	2	1	17
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	132	14	6	3	...	3	5	31	70
Albany	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	5	1	2	...	...	...	...	2	...
Cattaraugus	1	...	...	...	...	...	...	1	...
Cayuga	2	...	...	1	...	...	1	...	...
Chautauqua	14	2	...	...	...	...	...	3	9
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	2	...	...	...	...	...	...	2	...
Dutchess	3	...	1	...	...	...	...	2	...
Erie	11	...	...	...	...	2	1	3	5
Essex	1	...	...	...	...	...	...	...	1
Franklin	...	...	...	...	...	...	...	...	...
Fulton	1	...	...	...	...	...	...	...	1
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	1	...	...	...	...	...	...	...	1
Jefferson	4	...	2	...	...	...	...	...	2
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	27	4	...	...	...	...	1	3	19
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	12	...	...	...	...	...	...	10	2
Niagara	2	...	...	...	...	...	...	...	2
Oneida	3	...	...	...	...	...	...	...	3
Onondaga	9	5	...	...	...	...	...	3	1
Ontario	...	...	...	...	...	...	...	...	...
Orange	2	...	...	1	...	...	...	1	...
Orleans	3	2	...	...	...	...	...	...	1
Oswego	6	...	...	1	...	...	...	...	5
Otsego	1	...	...	...	...	...	...	...	1
Putnam	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	1	...	...	...	...	...	...	...	1
St.Lawrence	2	...	...	...	...	...	1	...	1
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	2	...	...	...	...	...	...	...	2
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	2	...	...	...	...	...	...	...	2
Suffolk	2	...	1	...	...	...	...	...	1
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	2	...	...	...	...	...	...	1	1
Ulster	1	...	...	...	...	1	...	...	...
Warren	1	...	...	...	...	...	1	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	8	...	...	...	...	...	...	...	8
Wyoming	1	...	...	...	...	...	...	...	1
Yates	...	...	...	...	...	...	...	...	...

Table A-76
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts:
Breakdown of Dispositions (Allegations Established)
1992

	Nonrestrictive Placement												Placement Restrictive		
Location	Total	Cond. Disch.	Prob.	Home, Rel., Pvt. Person	Comm. Social Services	DFY Title II	DFY Title III	DFY 60-Day Option	DFY 6 Mth. Resid.	Soc. Serv. Trans. to MH	DFY Trans. to MH	Other Place-Ment	DFY 5-Yrs	DFY 3-Yrs	DFY Trans. to MH
Total New York State	113	5	48	1	14	6	31	1	1	...	...	3	...	3	...
Total New York City	43	3	15	...	1	2	16	1	1	...	...	2	...	2	...
New York	18	...	6	...	...	1	10	...	...	...	...	...	...	1	...
Kings	6	2	2	...	...	1	...	...	1	...	...	...	...	...	...
Queens	2	...	1	...	...	...	...	...	...	...	...	1	...	...	...
Bronx	17	1	6	...	1	...	6	1	...	...	...	1	...	1	...
Richmond	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	70	2	33	1	13	4	15	...	...	...	...	1	...	1	...
Albany	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	9	...	2	...	5	...	2	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Erie	5	2	1	...	2	...	...	...	...	...	...	...	...	...	...
Essex	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Fulton	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Herkimer	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Jefferson	2	...	1	...	1	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Monroe	19	...	7	...	3	3	5	...	...	...	...	...	...	1	...
Montgomery	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nassau	2	...	1	...	...	...	1	...	...	...	...	...	...	...	...
Niagara	2	...	2	...	...	...	...	...	...	...	...	...	...	...	...
Oneida	3	...	2	...	1	...	...	...	...	...	...	...	...	...	...
Onondaga	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Orleans	1	...	...	...	...	...	...	...	...	...	...	1	...	...	...
Oswego	5	...	4	...	...	...	1	...	...	...	...	...	...	...	...
Otsego	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rockland	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
St.Lawrence	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schenectady	2	...	1	...	...	...	1	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Steuben	2	...	2	...	...	...	...	...	...	...	...	...	...	...	...
Suffolk	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tompkins	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Westchester	8	...	5	1	1	...	1	...	...	...	...	...	...	...	...
Wyoming	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

Table A-77
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Crimes Alleged In Petitions:
1992

	Total New York State	Total New York City	Total Upstate
Murder 1	...	...	...
Att. Murder 1	...	...	...
Murder 2	1	...	1
Kidnapping 1	...	...	...
Arson 1	1	1	...
Att. Murder 2	2	2	...
Manslaughter 1	1	1	...
Rape 1	23	2	21
Sodomy 1	42	3	39
Aggravated Sexual Abuse	10	2	8
Att.Kidnapping 1	...	...	...
Kidnapping 2	1	...	1
Arson 2	4	1	3
Robbery 1	57	39	18
Burglary 1	5	...	5
Robbery 2	54	49	5
Assault 1	18	12	6
Burglary 2	21	...	21
Assault 2	18	12	6
Other Felonies	73	44	29
Misdemeanors, Violations	28	19	9

Note: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-78
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Crimes Found to Have Been Committed
1992

	Total New York State	Total New York City	Total Upstate
Murder 1	...	...	...
Att. Murder 1	...	...	...
Murder 2	...	...	...
Kidnapping 1	...	...	...
Arson 1	...	...	...
Att. Murder 2	...	...	...
Manslaughter 1	...	...	...
Rape 1	3	1	2
Sodomy 1	8	...	8
Aggravated Sexual Abuse	7	...	7
Att.Kidnapping 1	1	...	1
Kidnapping 2	...	...	...
Arson 2	...	...	...
Robbery 1	9	5	4
Burglary 1	...	...	...
Robbery 2	13	8	5
Assault 1	4	2	2
Burglary 2	9	...	9
Assault 2	5	4	1
Other Felonies	45	22	23
Misdemeanors, Violations	29	8	21
Allegations Not Established	100	42	58

Note: The number of crimes found to have been committed exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-79
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Co-Respondent In Each Petition

1992

Location	Total	None	1	2	3	4 or More
Total New York State	218	159	36	9	11	3
Total New York City	86	56	20	4	5	1
New York	24	15	6	1	1	1
Kings	10	7	2	1	...	...
Queens	30	18	7	1	4	...
Bronx	22	16	5	1	...	...
Richmond	...	...	...	...	...	...
Total Upstate	132	103	16	5	6	2
Albany	...	...	...	...	...	...
Allegany	...	...	...	...	...	...
Broome	5	5	...	...	...	...
Cattaraugus	1	1	...	...	...	...
Cayuga	2	2	...	...	...	...
Chautauqua	14	14	...	...	...	...
Chemung	...	...	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	2	2	...	...	...	...
Dutchess	3	...	3	...	...	...
Erie	11	6	2	...	3	...
Essex	1	1	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	1	1	...	...	...	...
Genesee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	1	1	...	...	...	...
Jefferson	4	3	...	1	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	...	...	...	...	...	...
Monroe	27	16	4	2	3	2
Montgomery	...	...	...	...	...	...
Nassau	12	11	1	...	...	...
Niagara	2	2	...	...	...	...
Oneida	3	3	...	...	...	...
Onondaga	9	9	...	...	...	...
Ontario	...	...	...	...	...	...
Orange	2	2	...	...	...	...
Orleans	3	1	2	...	...	...
Oswego	6	6	...	...	...	...
Otsego	1	1	...	...	...	...
Putnam	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...
Rockland	1	1	...	...	...	...
St.Lawrence	2	2	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	2	2	...	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	2	2	...	...	...	...
Suffolk	2	1	...	1	...	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	2	2	...	...	...	...
Ulster	1	1	...	...	...	...
Warren	1	1	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	8	3	4	1	...	...
Wyoming	1	1	...	...	...	...
Yates	...	...	...	...	...	...

Table A-80
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Age of Alleged Victims By Crime Alleged
1992

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applic-able*	Not Avail-able	Not Repor-ted
Total New York State									
Murder 1	...	...	...	...	...	...	...	...	...
Att. Murder 1	...	...	...	...	...	...	...	...	...
Murder 2	5	...	...	1	...	...	...	...	4
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	5	...	...	...	...	...	...	1	4
Att. Murder 2	10	...	...	...	...	...	...	2	8
Manslaughter 1	5	1	...	...	...	...	...	...	4
Rape 1	115	9	8	...	...	...	...	7	91
Sodomy 1	195	34	5	...	...	...	2	5	149
Aggravated Sexual Abuse	20	1	...	...	...	...	2	1	16
Att.Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	5	...	...	1	...	...	...	...	4
Arson 2	15	...	...	...	...	...	3	...	12
Robbery 1	280	...	5	2	2	2	11	35	223
Burglary 1	25	...	2	...	...	...	1	6	16
Robbery 2	105	...	3	1	1	...	...	16	84
Assault 1	50	...	2	2	...	...	...	6	40
Burglary 2	90	3	1	1	...	...	6	7	72
Assault 2	35	...	1	2	...	...	...	4	28
Other Felonies	130	1	4	...	...	...	11	12	102
Misdemeanors, Violation	...	...	...	...	...	...	...	...	...
Total	1090	49	31	10	3	2	36	102	857
Total New York City									
Murder 1	...	...	...	...	...	...	...	...	...
Att. Murder 1	...	...	...	...	...	...	...	...	...
Murder 2	...	...	...	...	...	...	...	...	...
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	5	...	...	...	...	...	...	1	4
Att. Murder 2	10	...	...	...	...	...	...	2	8
Manslaughter 1	5	1	...	...	...	...	...	...	4
Rape 1	10	...	...	...	...	...	...	2	8
Sodomy 1	15	...	...	...	...	...	1	2	12
Aggravated Sexual Abuse	...	...	...	...	...	...	...	...	...
Att.Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	...	...	...	...	...	...	...	...	...
Arson 2	...	...	...	...	...	...	...	...	...
Robbery 1	195	...	...	...	1	2	9	27	156
Burglary 1	...	...	...	...	...	...	...	...	...
Robbery 2	90	...	1	1	...	...	...	16	72
Assault 1	20	...	...	...	...	...	...	4	16
Burglary 2	...	...	...	...	...	...	...	...	...
Assault 2	15	...	...	...	...	...	...	3	12
Other Felonies	65	...	...	...	...	...	7	6	52
Misdemeanors, Violations	...	...	...	...	...	...	...	...	...
Total	430	1	1	1	1	2	17	63	344

* No Victims

Note: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-81
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Age of Alleged Victims By Crime Alleged
1992

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applicable*	Not Available	Not Reported
Total Outside New York City									
Murder 1	...	...	...	...	...	...	...	...	...
Att. Murder 1	...	...	...	...	...	...	...	...	...
Murder 2	5	...	...	1	...	...	...	...	4
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	...	...	...	...	...	...	...	...	...
Att. Murder 2	...	...	...	...	...	...	...	...	...
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	105	9	8	...	...	...	...	5	83
Sodomy 1	180	34	5	...	...	...	1	3	137
Aggravated Sexual Abuse	20	1	...	...	...	...	2	1	16
Att.Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	5	...	...	1	...	...	...	...	4
Arson 2	15	...	...	...	...	...	3	...	12
Robbery 1	85	...	5	2	1	...	2	8	67
Burglary 1	25	...	2	...	...	...	1	6	16
Robbery 2	15	...	2	...	1	...	...	...	12
Assault 1	30	...	2	2	...	...	...	2	24
Burglary 2	90	3	1	1	...	...	6	7	72
Assault 2	20	...	1	2	...	...	...	1	16
Other Felonies	65	1	4	...	...	...	4	6	50
Misdemeanors, Violations	...	...	...	...	...	...	...	...	...
Total	660	48	30	9	2	...	19	39	513

* No victims

Note: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-82
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Adjournments From Filing Petition to Completion of Fact-Finding Hearing
1992

Location	Total	None	1	2	3	4	5	6 or More	Not Applic-able*
Total New York State	218	26	33	23	28	8	4	12	84
Total New York City	86	...	9	7	15	5	2	10	38
New York	24	...	5	5	4	3	...	1	6
Kings	10	...	2	...	1	1	...	2	4
Queens	30	...	1	...	...	...	1	2	26
Bronx	22	...	1	2	10	1	1	5	2
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	132	26	24	16	13	3	2	2	46
Albany	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	5	1	...	...	...	...	...	...	4
Cattaraugus	1	...	...	...	...	...	...	...	1
Cayuga	2	1	1	...	...	...	...	...	...
Chautauqua	14	2	5	2	...	...	...	...	5
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	2	...	...	...	...	...	...	...	2
Dutchess	3	...	...	...	...	...	...	...	3
Erie	11	...	1	...	1	2	2	...	5
Essex	1	...	...	1	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	1	...	1	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	1	...	...	1	...	...	...	...	...
Jefferson	4	1	1	...	...	...	...	...	2
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	27	7	4	8	7	...	...	1	...
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	12	...	1	...	1	...	...	...	10
Niagara	2	1	1	...	...	...	...	...	...
Oneida	3	...	1	1	1	...	...	...	...
Onondaga	9	1	...	...	...	...	...	...	8
Ontario	...	...	...	...	...	...	...	...	...
Orange	2	...	...	...	...	...	...	...	2
Orleans	3	1	...	...	...	...	...	...	2
Oswego	6	1	5	...	...	...	...	...	...
Otsego	1	...	1	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	1	...	...	...	...	1	...	...	...
St.Lawrence	2	1	...	...	1	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	2	...	...	...	1	...	...	1	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	2	2	...	...	...	...	...	...	...
Suffolk	2	...	...	1	...	...	...	...	1
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	2	...	...	...	1	...	...	...	1
Ulster	1	1	...	...	...	...	...	...	...
Warren	1	...	...	1	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	8	6	2	...	...	...	...	...	...
Wyoming	1	...	...	1	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

* Disposed before fact-finding

Table A-83
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Adjournments From Completion of Fact-Finding Hearing to Completion of Dispositional Hearing
1992

Location	Total	None	1	2	3	4	5	6 or More	Not Applic-able*
Total New York State	218	44	41	18	11	8	9	2	85
Total New York City	86	13	11	9	8	3	3	...	39
New York	24	4	5	5	1	2	1	...	6
Kings	10	3	...	1	1	...	1	...	4
Queens	30	1	1	...	1	...	...	...	27
Bronx	22	5	5	3	5	1	1	...	2
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	132	31	30	9	3	5	6	2	46
Albany	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	5	1	...	...	...	...	...	...	4
Cattaraugus	1	...	...	...	...	...	...	...	1
Cayuga	2	2	...	...	...	...	...	...	...
Chautauqua	14	...	6	3	...	...	...	...	5
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	2	...	...	...	...	...	...	...	2
Dutchess	3	...	...	...	...	...	...	...	3
Erie	11	3	2	...	1	...	...	...	5
Essex	1	...	1	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	1	1	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	1	1	...	...	...	...	...	...	...
Jefferson	4	1	1	...	...	...	...	...	2
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	27	8	9	2	1	2	5	...	...
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	12	...	1	...	1	...	...	...	10
Niagara	2	1	1	...	...	...	...	...	...
Oneida	3	...	2	1	...	...	...	...	...
Onondaga	9	...	...	1	...	...	...	...	8
Ontario	...	...	...	...	...	...	...	...	...
Orange	2	...	...	...	...	...	...	...	2
Orleans	3	...	1	...	...	...	...	...	2
Oswego	6	5	1	...	...	...	...	...	...
Otsego	1	1	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	1	...	1	...	...	...	...	...	...
St.Lawrence	2	1	1	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	2	...	...	...	...	2	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	2	...	...	...	...	...	...	2	...
Suffolk	2	1	...	...	...	...	...	...	1
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	2	...	1	...	...	...	...	...	1
Ulster	1	1	...	...	...	...	...	...	...
Warren	1	1	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	8	3	1	2	...	1	1	...	...
Wyoming	1	...	1	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

* Disposed before fact-finding

Table A-84
FAMILY COURT
Original Dispositions of Designated Felony Petitions Excluding Removals From Criminal Courts: Dispositions In Designated Felony Parts
1992

Location	Total	Disposed In Designated Felony Part	Disposed In Other Part
Total New York State	218	160	58
Total New York City	86	77	9
New York	24	19	5
Kings	10	10	...
Queens	30	28	2
Bronx	22	20	2
Richmond	...	...	...
Total Upstate	132	83	49
Albany	...	...	...
Allegany	...	...	...
Broome	5	5	...
Cattaraugus	1	1	...
Cayuga	2	1	1
Chautauqua	14	11	3
Chemung	...	...	...
Chenango	...	...	...
Clinton	...	...	...
Columbia	...	...	...
Cortland	...	...	...
Delaware	2	...	2
Dutchess	3	3	...
Erie	11	11	...
Essex	1	1	...
Franklin	...	...	...
Fulton	1	1	...
Genesee	...	...	...
Greene	...	...	...
Hamilton	...	...	...
Herkimer	1	1	...
Jefferson	4	1	3
Lewis	...	...	...
Livingston	...	...	...
Madison	...	...	...
Monroe	27	27	...
Montgomery	...	...	...
Nassau	12	...	12
Niagara	2	...	2
Oneida	3	...	3
Onondaga	9	3	6
Ontario	...	...	...
Orange	2	1	1
Orleans	3	...	3
Oswego	6	1	5
Otsego	1	1	...
Putnam	...	...	...
Rensselaer	...	...	...
Rockland	1	...	1
St.Lawrence	2	1	1
Saratoga	...	...	...
Schenectady	2	2	...
Schoharie	...	...	...
Schuyler	...	...	...
Seneca	...	...	...
Steuben	2	2	...
Suffolk	2	1	1
Sullivan	...	...	...
Tioga	...	...	...
Tompkins	2	...	2
Ulster	1	...	1
Warren	1	...	1
Washington	...	...	...
Wayne	...	...	...
Westchester	8	7	1
Wyoming	1	1	...
Yates	...	...	...

Table A-85
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts:
Days From Filing Petition to Completion of Fact-Finding Hearing
1992

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic-able*
Total New York State	168	3	8	7	3	33	11	2	...	...	101
Total New York City	146	3	5	3	2	31	9	2	...	...	91
New York	8	...	1	2	1	1	...	...	...	...	3
Kings	22	...	1	...	...	7	2	1	...	...	11
Queens	73	...	...	...	...	...	...	...	...	...	73
Bronx	43	3	3	1	1	23	7	1	...	...	4
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	22	...	3	4	1	2	2	...	...	...	10
Albany	1	...	...	...	...	...	...	...	...	...	1
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	1	...	...	1	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	1	...	...	...	...	...	...	...	...	...	1
Erie	2	...	...	...	...	...	...	...	...	...	2
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...
Monroe	13	...	3	2	1	2	...	...	...	...	5
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	...	...	...	...	...	...	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...
Onondaga	...	...	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	1	...	...	...	...	...	...	...	...	...	1
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...
Suffolk	1	...	...	1	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	2	...	...	...	...	...	2	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

* Disposed before fact-finding

Table A-86
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts:
Days From Completion of Fact-Finding Hearing to Completion of Dispositional Hearing
1992

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applic- able*
Total New York State	168	19	...	2	4	36	5	1	...	...	101
Total New York City	146	14	...	2	4	31	3	1	...	...	91
New York	8	...	...	...	1	4	...	...	...	...	3
Kings	22	2	...	...	1	6	1	1	...	...	11
Queens	73	...	...	...	...	...	...	...	...	...	73
Bronx	43	12	...	2	2	21	2	...	...	...	4
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	22	5	...	...	...	5	2	...	...	...	10
Albany	1	...	...	...	...	...	...	...	...	...	1
Allegany	...	...	...	...	...	...	...	...	...	...	...
Broome	1	1	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...
Dutchess	1	...	...	...	...	...	...	...	...	...	1
Erie	2	...	...	...	...	...	...	...	...	...	2
Essex	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...
Monroe	13	3	...	...	...	5	...	...	...	...	5
Montgomery	...	...	...	...	...	...	...	...	...	...	...
Nassau	...	...	...	...	...	...	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...
Onondaga	...	...	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...
Schenectady	1	...	...	...	...	...	...	...	...	...	1
Schoharie	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...
Suffolk	1	1	...	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	2	...	...	...	...	...	2	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...

* Disposed before fact-finding

Table A-87
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts:
Outcome of Fact-Finding
1992

Location	Total	Allegat. Established in Whole or in Part After FF Hearing	Allegations Established in Whole or Part By Admission	Allegations Not Established After FF Hearing	Not Applicable*	Not Applicable JO Removed For Disp.Only
Total New York State	168	14	49	4	101	...
Total New York City	146	13	38	4	91	...
New York	8	...	5	...	3	...
Kings	22	2	9	...	11	...
Queens	73	...	...	...	73	...
Bronx	43	11	24	4	4	...
Richmond	...	...	...	...	...	...
Total Upstate	22	1	11	...	10	...
Albany	1	...	...	...	1	...
Allegany	...	...	...	...	...	...
Broome	1	...	1	...	...	...
Cattaraugus	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...
Chemung	...	...	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	1	...	...	...	1	...
Erie	2	...	...	...	2	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	...	...	...	...	...	...
Genesee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	...	...	...	...	...	...
Monroe	13	...	8	...	5	...
Montgomery	...	...	...	...	...	...
Nassau	...	...	...	...	...	...
Niagara	...	...	...	...	...	...
Oneida	...	...	...	...	...	...
Onondaga	...	...	...	...	...	...
Ontario	...	...	...	...	...	...
Orange	...	...	...	...	...	...
Orleans	...	...	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	...	...	...	...	...	...
Putnam	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...
Rockland	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	1	...	...	...	1	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	...	...	...	...	...	...
Suffolk	1	...	1	...	...	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	2	1	1	...	...	...
Ulster	...	...	...	...	...	...
Warren	...	...	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...
Yates	...	...	...	...	...	...

* Disposed before fact-finding

Table A-88
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts: Duration of Probation
1992

Location	Total	0-6 Months	7-12 Months	13-18 Months	19-24 Months
Total New York State	168	132	24	7	5
Total New York City	146	118	20	7	1
New York	8	4	4	...	...
Kings	22	15	5	2	...
Queens	73	73	...	...	...
Bronx	43	26	11	5	1
Richmond	...	...	...	...	...
Total Upstate	22	14	4	...	4
Albany	1	1	...	...	...
Allegany	...	...	...	...	...
Broome	1	1	...	...	...
Cattaraugus	...	...	...	...	...
Cayuga	...	...	...	...	...
Chautauqua	...	...	...	...	...
Chemung	...	...	...	...	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	1	1	...	...	...
Erie	2	2	...	...	...
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	...	...	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	...	...	...	...	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	...	...	...	...	...
Monroe	13	6	4	...	3
Montgomery	...	...	...	...	...
Nassau	...	...	...	...	...
Niagara	...	...	...	...	...
Oneida	...	...	...	...	...
Onondaga	...	...	...	...	...
Ontario	...	...	...	...	...
Orange	...	...	...	...	...
Orleans	...	...	...	...	...
Oswego	...	...	...	...	...
Otsego	...	...	...	...	...
Putnam	...	...	...	...	...
Rensselaer	...	...	...	...	...
Rockland	...	...	...	...	...
St.Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	1	1	...	...	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	...	...	...	...	...
Suffolk	1	1	...	...	...
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	2	1	...	...	1
Ulster	...	...	...	...	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	...	...	...	...	...
Wyoming	...	...	...	...	...
Yates	...	...	...	...	...

Table A-89
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts: Breakdown of Dispositions (Allegations Not Established)
1992

Location	Dispositions —Allegations Not Established Total	With-Drawn	Consoli-dated	Change of Venue	Found Incapaci-tated	Dismissed in Further-ance of Justice	Dismissed After Fact-Finding Hearing	Other Dismissal	Total Disposit. Allegs. Estab.
Total New York State	168	80	2	1	...	3	4	17	61
Total New York City	146	77	...	...	...	2	4	13	50
New York	8	2	...	...	...	...	...	2	4
Kings	22	9	...	...	...	...	...	2	11
Queens	73	64	...	...	...	1	...	8	...
Bronx	43	2	...	...	...	1	4	1	35
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	22	3	2	1	...	1	...	4	11
Albany	1	...	...	...	...	...	...	1	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	1	...	...	1	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	1	...	1	...	...	...	...	...	...
Erie	2	2	...	...	...	...	...	...	...
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	13	1	...	...	...	1	...	3	8
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	...	...	...	...	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...
Onondaga	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	1	...	1	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	1	...	...	...	...	...	...	...	1
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	2	...	...	...	...	...	...	...	2
Ulster	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

Table A-90
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts:
Breakdown of Dispositions (Allegations Established)
1992

	Nonrestrictive Placement												Placement Restrictive		
Location	Total	Cond. Disch.	Prob.	Home, Relative, Private Person	Comm. Social Services	DFY Title II	DFY Title III	DFY 60-Day Option	DFY 6 Mth. Resid.	Social Services Trans. to MH	DFY Trans. to MH	Other Place-ment	DFY 5-Yrs	DFY 3-Yrs	DFY Trans. to MH
Total New York State	61	9	36	...	...	3	10	...	2	...	...	1	...	...	...
Total New York City	50	8	28	...	...	3	8	...	2	...	...	1	...	...	...
New York	4	...	4	...	...	...	...	...	...	...	...	...	...	...	...
Kings	11	...	7	...	...	1	1	...	1	...	...	1	...	...	...
Queens	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Bronx	35	8	17	...	...	2	7	...	1	...	...	...	...	...	...
Richmond	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	11	1	8	...	...	...	2	...	...	...	...	...	...	...	...
Albany	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Broome	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Dutchess	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Erie	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Essex	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Monroe	8	...	7	...	...	...	1	...	...	...	...	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nassau	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Onondaga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schenectady	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schoharie	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Suffolk	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tompkins	2	1	1	...	...	...	...	...	...	...	...	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

Table A-91
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts: Crimes Alleged In Petitions:
1992

	Total New York State	Total New York City	Total Upstate
Murder 1	...	...	...
Att. Murder 1	1	1	...
Murder 2	...	...	...
Kidnapping 1	...	...	...
Arson 1	...	...	...
Att. Murder 2	3	3	...
Manslaughter 1	...	...	...
Rape 1	9	5	4
Sodomy 1	6	4	2
Aggravated Sexual Abuse	...	...	...
Att.Kidnapping 1	...	...	...
Kidnapping 2	...	...	...
Arson 2	3	3	...
Robbery 1	71	64	7
Burglary 1	4	...	4
Robbery 2	102	98	4
Assault 1	8	8	...
Burglary 2	...	...	...
Assault 2	50	46	4
Other Felonies	73	64	9
Misdemeanors, Violations	53	51	2

Note: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-92
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts:
Crimes Found to Have Been Committed
1992

	Total New York State	Total New York City	Total Upstate
Murder 1	...	...	...
Att. Murder 1	1	1	...
Murder 2	...	...	...
Kidnapping 1	...	...	...
Arson 1	...	...	...
Att. Murder 2	...	...	...
Manslaughter 1	...	...	...
Rape 1	2	...	2
Sodomy 1	2	...	2
Aggravated Sexual Abuse	...	...	...
Att.Kidnapping 1	...	...	...
Kidnapping 2	...	...	...
Arson 2	...	...	...
Robbery 1	7	7	...
Burglary 1	...	...	...
Robbery 2	15	15	...
Assault 1	1	1	...
Burglary 2	1	...	1
Assault 2	4	4	...
Other Felonies	19	15	4
Misdemeanors, Violations	23	20	3
Allegations Not Established	104	94	10

Note: The number of crimes found to have been committed exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-93
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts: Co-Respondent In Each Petition
1992

Location	Total	None	1	2	3	4 or More
Total New York State	168	116	35	9	4	4
Total New York City	146	106	28	6	2	4
New York	8	6	1	...	...	1
Kings	22	13	8	...	...	1
Queens	73	58	10	3	2	...
Bronx	43	29	9	3	...	2
Richmond	...	...	...	...	...	...
Total Upstate	22	10	7	3	2	...
Albany	1	1	...	...	...	...
Allegany	...	...	...	...	...	...
Broome	1	1	...	...	...	...
Cattaraugus	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...
Chemung	...	...	...	...	...	...
Chenango	...	...	...	...	...	...
Clinton	...	...	...	...	...	...
Columbia	...	...	...	...	...	...
Cortland	...	...	...	...	...	...
Delaware	...	...	...	...	...	...
Dutchess	1	...	1	...	...	...
Erie	2	...	2	...	...	...
Essex	...	...	...	...	...	...
Franklin	...	...	...	...	...	...
Fulton	...	...	...	...	...	...
Genesee	...	...	...	...	...	...
Greene	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...
Lewis	...	...	...	...	...	...
Livingston	...	...	...	...	...	...
Madison	...	...	...	...	...	...
Monroe	13	5	3	3	2	...
Montgomery	...	...	...	...	...	...
Nassau	...	...	...	...	...	...
Niagara	...	...	...	...	...	...
Oneida	...	...	...	...	...	...
Onondaga	...	...	...	...	...	...
Ontario	...	...	...	...	...	...
Orange	...	...	...	...	...	...
Orleans	...	...	...	...	...	...
Oswego	...	...	...	...	...	...
Otsego	...	...	...	...	...	...
Putnam	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...
Rockland	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...
Schenectady	1	1	...	...	...	...
Schoharie	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...
Seneca	...	...	...	...	...	...
Steuben	...	...	...	...	...	...
Suffolk	1	1	...	...	...	...
Sullivan	...	...	...	...	...	...
Tioga	...	...	...	...	...	...
Tompkins	2	1	1	...	...	...
Ulster	...	...	...	...	...	...
Warren	...	...	...	...	...	...
Washington	...	...	...	...	...	...
Wayne	...	...	...	...	...	...
Westchester	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...
Yates	...	...	...	...	...	...

Table A-94 (Partial)
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts: Age of Alleged Victims By Crime Alleged
1992

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applicable*	Not Available	Not Reported
Total New York State									
Murder 1	...	...	...	...	...	...	...	...	...
Att. Murder 1	5	...	1	...	...	...	...	...	4
Murder 2	...	...	...	...	...	...	...	...	...
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	...	...	...	...	...	...	...	...	...
Att. Murder 2	15	...	...	...	...	...	1	2	12
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	45	1	4	...	...	...	...	4	36
Sodomy 1	15	...	2	...	...	...	...	1	12
Aggravated Sexual Abuse	...	...	...	...	...	...	...	...	...
Att.Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	...	...	...	...	...	...	...	...	...
Arson 2	15	...	...	...	...	...	2	1	12
Robbery 1	345	2	7	...	...	...	7	55	274
Burglary 1	10	...	...	...	...	1	...	1	8
Robbery 2	300	...	4	1	1	...	9	46	239
Assault 1	20	...	...	1	...	...	...	3	16
Burglary 2	...	...	...	...	...	...	...	...	...
Assault 2	10	...	1	...	...	...	...	1	8
Other Felonies	45	1	...	...	...	...	4	4	36
Misdemeanors, Violations	15	...	...	...	...	...	...	3	12
Total	840	4	19	2	1	1	23	121	669
Total New York City									
Murder 1	...	...	...	...	...	...	...	...	...
Att. Murder 1	5	...	1	...	...	...	...	...	4
Murder 2	...	...	...	...	...	...	...	...	...
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	...	...	...	...	...	...	...	...	...
Att. Murder 2	15	...	...	...	...	...	1	2	12
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	25	1	...	...	...	...	...	4	20
Sodomy 1	5	...	...	...	...	...	...	1	4
Aggravated Sexual Abuse	...	...	...	...	...	...	...	...	...
Att.Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	...	...	...	...	...	...	...	...	...
Arson 2	15	...	...	...	...	...	2	1	12
Robbery 1	310	...	2	...	...	...	6	55	247
Burglary 1	...	...	...	...	...	...	...	...	...
Robbery 2	280	...	...	1	...	...	9	46	224
Assault 1	20	...	...	1	...	...	...	3	16
Burglary 2	...	...	...	...	...	...	...	...	...
Assault 2	5	...	...	...	...	...	...	1	4
Other Felonies	35	1	...	...	...	...	3	3	28
Misdemeanors, Violations	15	...	...	...	...	...	...	3	12
Total .	730	2	3	2	...	...	21	119	583

* No Victims

Note: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-94(Concl.)
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts: Age of Alleged Victims By Crime Alleged
1992

	Total	11 or Younger	12-20	21-40	41-65	Over 65	Not Applic-able*	Not Avail-able	Not Repor-ted
Total Outside New York City									
Murder 1	...	...	...	...	...	...	...	...	...
Att. Murder 1	...	...	...	...	...	...	...	...	...
Murder 2	...	...	...	...	...	...	...	...	...
Kidnapping 1	...	...	...	...	...	...	...	...	...
Arson 1	...	...	...	...	...	...	...	...	...
Att. Murder 2	...	...	...	...	...	...	...	...	...
Manslaughter 1	...	...	...	...	...	...	...	...	...
Rape 1	20	...	4	...	...	...	...	...	16
Sodomy 1	10	...	2	...	...	...	...	...	8
Aggravated Sexual Abuse	...	...	...	...	...	...	...	...	...
Att.Kidnapping 1	...	...	...	...	...	...	...	...	...
Kidnapping 2	...	...	...	...	...	...	...	...	...
Arson 2	...	...	...	...	...	...	...	...	...
Robbery 1	35	2	5	...	...	...	1	...	27
Burglary 1	10	...	...	...	...	1	...	1	8
Robbery 2	20	...	4	...	1	...	...	...	15
Assault 1	...	...	...	...	...	...	...	...	...
Burglary 2	...	...	...	...	...	...	...	...	...
Assault 2	5	...	1	...	...	...	...	...	4
Other Felonies	10	...	...	...	...	...	1	1	8
Misdemeanors, Violations	...	...	...	...	...	...	...	...	...
Total	110	2	16	...	1	1	2	2	86

* No Victims

Note: The number of victims exceeds the number of dispositions because more than one victim may have been reported for each petition. If there were multiple crimes alleged, the one highest on the list was used in this table.

Table A-95
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts:
Adjournments From Filing Petition to Completion of Fact-Finding Hearing
1992

Location	Total	None	1	2	3	4	5	6 or More	Not Applicable*
Total New York State	168	13	10	10	16	9	8	11	91
Total New York City	146	6	5	8	14	8	7	11	87
New York	8	1	1	...	3	...	...	...	3
Kings	22	1	...	1	3	4	1	2	10
Queens	73	2	...	...	...	...	...	...	71
Bronx	43	2	4	7	8	4	6	9	3
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	22	7	5	2	2	1	1	...	4
Albany	1	1	...	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	1	1	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	1	...	...	...	...	...	...	...	1
Erie	2	...	...	...	...	...	...	...	2
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	13	5	4	2	2	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	...	...	...	...	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...
Onondaga	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	1	...	...	...	...	...	...	...	1
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	1	...	1	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	2	...	...	...	...	1	1	...	...
Ulster	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

* Disposed before fact-finding

Table A-96
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts:
Adjournments From Completion of Fact-Finding Hearing to Completion of Dispositional Hearing
1992

Location	Total	None	1	2	3	4	5	6 or More	Not Applic-able*
Total New York State	168	26	26	11	7	2	1	4	91
Total New York City	146	17	21	9	5	2	1	4	87
New York	8	...	3	1	...	1	...	...	3
Kings	22	3	3	4	2	...	...	1	9
Queens	73	2	...	...	...	...	...	...	71
Bronx	43	12	15	4	3	1	1	3	4
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	22	9	5	2	2	...	...	...	4
Albany	1	...	1	...	...	...	...	...	...
Allegany	...	...	...	...	...	...	...	...	...
Broome	1	1	...	...	...	...	...	...	...
Cattaraugus	...	...	...	...	...	...	...	...	...
Cayuga	...	...	...	...	...	...	...	...	...
Chautauqua	...	...	...	...	...	...	...	...	...
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	...	...	...	...	...	...	...	...	...
Dutchess	1	...	...	...	...	...	...	...	1
Erie	2	...	...	...	...	...	...	...	2
Essex	...	...	...	...	...	...	...	...	...
Franklin	...	...	...	...	...	...	...	...	...
Fulton	...	...	...	...	...	...	...	...	...
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	...	...	...	...	...	...	...	...	...
Jefferson	...	...	...	...	...	...	...	...	...
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	13	7	4	2	...	...	...	...	...
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	...	...	...	...	...	...	...	...	...
Niagara	...	...	...	...	...	...	...	...	...
Oneida	...	...	...	...	...	...	...	...	...
Onondaga	...	...	...	...	...	...	...	...	...
Ontario	...	...	...	...	...	...	...	...	...
Orange	...	...	...	...	...	...	...	...	...
Orleans	...	...	...	...	...	...	...	...	...
Oswego	...	...	...	...	...	...	...	...	...
Otsego	...	...	...	...	...	...	...	...	...
Putnam	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	...	...	...	...	...	...	...	...	...
St.Lawrence	...	...	...	...	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	1	...	...	...	...	...	...	...	1
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...	...	...
Steuben	...	...	...	...	...	...	...	...	...
Suffolk	1	1	...	...	...	...	...	...	...
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	2	...	...	...	2	...	...	...	...
Ulster	...	...	...	...	...	...	...	...	...
Warren	...	...	...	...	...	...	...	...	...
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	...	...	...	...	...	...	...	...	...
Wyoming	...	...	...	...	...	...	...	...	...
Yates	...	...	...	...	...	...	...	...	...

* Disposed before fact-finding

Table A-97
FAMILY COURT
Original Dispositions of Designated Felony Petitions Removed From Criminal Courts: Dispositions In Designated Felony Parts
1992

Location	Total	Disposed In Designated Felony Part	Disposed In Other Part
Total New York State	168	148	20
Total New York City	146	130	16
New York	8	7	1
Kings	22	20	2
Queens	73	67	6
Bronx	43	36	7
Richmond	...	...	...
Total Upstate	22	18	4
Albany	1	...	1
Allegany	...	...	...
Broome	1	1	...
Cattaraugus	...	...	...
Cayuga	...	...	...
Chautauqua	...	...	...
Chemung	...	...	...
Chenango	...	...	...
Clinton	...	...	...
Columbia	...	...	...
Cortland	...	...	...
Delaware	...	...	...
Dutchess	1	1	...
Erie	2	2	...
Essex	...	...	...
Franklin	...	...	...
Fulton	...	...	...
Genesee	...	...	...
Greene	...	...	...
Hamilton	...	...	...
Herkimer	...	...	...
Jefferson	...	...	...
Lewis	...	...	...
Livingston	...	...	...
Madison	...	...	...
Monroe	13	13	...
Montgomery	...	...	...
Nassau	...	...	...
Niagara	...	...	...
Oneida	...	...	...
Onondaga	...	...	...
Ontario	...	...	...
Orange	...	...	...
Orleans	...	...	...
Oswego	...	...	...
Otsego	...	...	...
Putnam	...	...	...
Rensselaer	...	...	...
Rockland	...	...	...
St.Lawrence	...	...	...
Saratoga	...	...	...
Schenectady	1	...	1
Schoharie	...	...	...
Schuyler	...	...	...
Seneca	...	...	...
Steuben	...	...	...
Suffolk	1	1	...
Sullivan	...	...	...
Tioga	...	...	...
Tompkins	2	...	2
Ulster	...	...	...
Warren	...	...	...
Washington	...	...	...
Wayne	...	...	...
Westchester	...	...	...
Wyoming	...	...	...
Yates	...	...	...

Table A-98
FAMILY COURT
Original Dispositions of Designated Felony Petitions: Age of Boys When Act Committed
1992

Location	Total	7-9	10-12	13-15	Other
Total New York State	346	1	7	336	2
Total New York City	204	...	...	202	2
New York	31	...	...	31	...
Kings	26	...	...	25	1
Queens	94	...	...	93	1
Bronx	53	...	...	53	...
Richmond	...	...	...	...	...
Total Upstate	142	1	7	134	...
Albany	1	...	...	1	...
Allegany	...	...	...	...	...
Broome	6	...	1	5	...
Cattaraugus	1	...	...	1	...
Cayuga	2	...	...	2	...
Chautauqua	13	...	1	12	...
Chemung	...	...	...	...	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	2	...	2	...	...
Dutchess	4	...	...	4	...
Erie	11	1	...	10	...
Essex	1	...	...	1	...
Franklin	...	...	...	...	...
Fulton	1	...	...	1	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	1	...	...	1	...
Jefferson	4	...	...	4	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	...	...	...	...	...
Monroe	35	...	2	33	...
Montgomery	...	...	...	...	...
Nassau	12	...	...	12	...
Niagara	2	...	...	2	...
Oneida	2	...	...	2	...
Onondaga	8	...	...	8	...
Ontario	...	...	...	...	...
Orange	2	...	1	1	...
Orleans	3	...	...	3	...
Oswego	6	...	...	6	...
Otsego	1	...	...	1	...
Putnam	...	...	...	...	...
Rensselaer	...	...	...	...	...
Rockland	...	...	...	...	...
St.Lawrence	2	...	...	2	...
Saratoga	...	...	...	...	...
Schenectady	3	...	...	3	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	2	...	...	2	...
Suffolk	3	...	...	3	...
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	4	...	...	4	...
Ulster	...	...	...	...	...
Warren	1	...	...	1	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	8	...	...	8	...
Wyoming	1	...	...	1	...
Yates	...	...	...	...	...

Table A-99
FAMILY COURT
Original Dispositions of Designated Felony Petitions: Age of Girls When Act Committed
1992

Location	Total	7-9	10-12	13-15	Other
Total New York State	40	...	...	40	...
Total New York City	28	...	...	28	...
New York	1	...	...	1	...
Kings	6	...	...	6	...
Queens	9	...	...	9	...
Bronx	12	...	...	12	...
Richmond	...	...	...	...	...
Total Upstate	12	...	...	12	...
Albany	...	...	...	...	...
Allegany	...	...	...	...	...
Broome	...	...	...	...	...
Cattaraugus	...	...	...	...	...
Cayuga	...	...	...	...	...
Chautauqua	1	...	...	1	...
Chemung	...	...	...	...	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	...	...	...	...	...
Dutchess	...	...	...	...	...
Erie	2	...	...	2	...
Essex	...	...	...	...	...
Franklin	...	...	...	...	...
Fulton	...	...	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	...	...	...	...	...
Jefferson	...	...	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	...	...	...	...	...
Monroe	5	...	...	5	...
Montgomery	...	...	...	...	...
Nassau	...	...	...	...	...
Niagara	...	...	...	...	...
Oneida	1	...	...	1	...
Onondaga	1	...	...	1	...
Ontario	...	...	...	...	...
Orange	...	...	...	...	...
Orleans	...	...	...	...	...
Oswego	...	...	...	...	...
Otsego	...	...	...	...	...
Putnam	...	...	...	...	...
Rensselaer	...	...	...	...	...
Rockland	1	...	...	1	...
St.Lawrence	...	...	...	...	...
Saratoga	...	...	...	...	...
Schenectady	...	...	...	...	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	...	...	...	...	...
Suffolk	...	...	...	...	...
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	...	...	...	...	...
Ulster	1	...	...	1	...
Warren	...	...	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	...	...	...	...	...
Wyoming	...	...	...	...	...
Yates	...	...	...	...	...

Table A-100
FAMILY COURT
Original Dispositions of Designated Felony Petitions: Origin of Cases
1992

Location	Total	Family Court This County	Family Court Another County	Removal By Local Criminal Court	Removal By Grand Jury	Removal by Supreme or County Court Before Adjudi.	Removal by Supreme or County Court Bef. Sentence
Total New York State	386	217	1	156	4	7	1
Total New York City	232	85	1	136	2	7	1
New York	32	24	...	6	...	1	1
Kings	32	9	1	21	1	...	...
Queens	103	30	...	68	1	4	...
Bronx	65	22	...	41	...	2	...
Richmond	...	...	...	...	...	...	...
Total Upstate	154	132	...	20	2	...	...
Albany	1	...	...	1	...	...	...
Allegany	...	...	...	...	...	...	...
Broome	6	5	...	1	...	...	...
Cattaraugus	1	1	...	...	...	...	...
Cayuga	2	2	...	...	...	...	...
Chautauqua	14	14	...	...	...	...	...
Chemung	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...
Delaware	2	2	...	...	...	...	...
Dutchess	4	3	...	1	...	...	...
Erie	13	11	...	2	...	...	...
Essex	1	1	...	...	...	...	...
Franklin	...	...	...	...	...	...	...
Fulton	1	1	...	...	...	...	...
Genesee	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...
Herkimer	1	1	...	...	...	...	...
Jefferson	4	4	...	...	...	...	...
Lewis	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...
Monroe	40	27	...	13	...	...	...
Montgomery	...	...	...	...	...	...	...
Nassau	12	12	...	...	...	...	...
Niagara	2	2	...	...	...	...	...
Oneida	3	3	...	...	...	...	...
Onondaga	9	9	...	...	...	...	...
Ontario	...	...	...	...	...	...	...
Orange	2	2	...	...	...	...	...
Orleans	3	3	...	...	...	...	...
Oswego	6	6	...	...	...	...	...
Otsego	1	1	...	...	...	...	...
Putnam	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...
Rockland	1	1	...	...	...	...	...
St.Lawrence	2	2	...	...	...	...	...
Saratoga	...	...	...	...	...	...	...
Schenectady	3	2	...	...	1	...	...
Schoharie	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...
Seneca	...	...	...	...	...	...	...
Steuben	2	2	...	...	...	...	...
Suffolk	3	2	...	...	1	...	...
Sullivan	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...
Tompkins	4	2	...	2	...	...	...
Ulster	1	1	...	...	...	...	...
Warren	1	1	...	...	...	...	...
Washington	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...
Westchester	8	8	...	...	...	...	...
Wyoming	1	1	...	...	...	...	...
Yates	...	...	...	...	...	...	...

Table A-101
FAMILY COURT
Original Dispositions of Designated Felony Petitions: Presentment Agency
1992

Location	Total	County Attorney	Corporation Counsel	District Attorney	Other[1]
Total New York State	386	142	57	187	...
Total New York City	232	...	57	175	...
New York	32	...	24	8	...
Kings	32	...	4	28	...
Queens	103	...	3	100	...
Bronx	65	...	26	39	...
Richmond	...	...	...	...	...
Total Upstate	154	142	...	12	...
Albany	1	1	...	...	...
Allegany	...	...	...	...	...
Broome	6	5	...	1	...
Cattaraugus	1	1	...	...	...
Cayuga	2	2	...	...	...
Chautauqua	14	14	...	...	...
Chemung	...	...	...	...	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	2	2	...	...	...
Dutchess	4	...	...	4	...
Erie	13	11	...	2	...
Essex	1	1	...	...	...
Franklin	...	...	...	...	...
Fulton	1	1	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	1	...	...	1	...
Jefferson	4	4	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	...	...	...	...	...
Monroe	40	40	...	...	...
Montgomery	...	...	...	...	...
Nassau	12	12	...	...	...
Niagara	2	2	...	...	...
Oneida	3	3	...	...	...
Onondaga	9	9	...	...	...
Ontario	...	...	...	...	...
Orange	2	2	...	...	...
Orleans	3	3	...	...	...
Oswego	6	6	...	...	...
Otsego	1	1	...	...	...
Putnam	...	...	...	...	...
Rensselaer	...	...	...	...	...
Rockland	1	1	...	...	...
St.Lawrence	2	2	...	...	...
Saratoga	...	...	...	...	...
Schenectady	3	3	...	...	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	2	2	...	...	...
Suffolk	3	1	...	2	...
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	4	2	...	2	...
Ulster	1	1	...	...	...
Warren	1	1	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	8	8	...	...	...
Wyoming	1	1	...	...	...
Yates	...	...	...	...	...

Table A-102
FAMILY COURT
Original Dispositions of Designated Felony Petitions: Legal Representation
1992

Location	Total	Law Guardian Panel	Legal Aid Society	Private Retained	None
Total New York State	386	190	95	41	60
Total New York City	232	74	79	19	60
New York	32	17	13	1	1
Kings	32	13	12	2	5
Queens	103	16	19	14	54
Bronx	65	28	35	2	...
Richmond	...	...	...	...	...
Total Upstate	154	116	16	22	...
Albany	1	1	...	...	...
Allegany	...	...	...	...	...
Broome	6	6	...	...	...
Cattaraugus	1	1	...	...	...
Cayuga	2	2	...	...	...
Chautauqua	14	14	...	...	...
Chemung	...	...	...	...	...
Chenango	...	...	...	...	...
Clinton	...	...	...	...	...
Columbia	...	...	...	...	...
Cortland	...	...	...	...	...
Delaware	2	2	...	...	...
Dutchess	4	4	...	...	...
Erie	13	12	...	1	...
Essex	1	1	...	...	...
Franklin	...	...	...	...	...
Fulton	1	1	...	...	...
Genesee	...	...	...	...	...
Greene	...	...	...	...	...
Hamilton	...	...	...	...	...
Herkimer	1	1	...	...	...
Jefferson	4	4	...	...	...
Lewis	...	...	...	...	...
Livingston	...	...	...	...	...
Madison	...	...	...	...	...
Monroe	40	21	13	6	...
Montgomery	...	...	...	...	...
Nassau	12	1	...	11	...
Niagara	2	2	...	...	...
Oneida	3	3	...	...	...
Onondaga	9	9	...	...	...
Ontario	...	...	...	...	...
Orange	2	...	2	...	...
Orleans	3	3	...	...	...
Oswego	6	6	...	...	...
Otsego	1	1	...	...	...
Putnam	...	...	...	...	...
Rensselaer	...	...	...	...	...
Rockland	1	...	1	...	...
St.Lawrence	2	2	...	...	...
Saratoga	...	...	...	...	...
Schenectady	3	3	...	...	...
Schoharie	...	...	...	...	...
Schuyler	...	...	...	...	...
Seneca	...	...	...	...	...
Steuben	2	2	...	...	...
Suffolk	3	1	...	2	...
Sullivan	...	...	...	...	...
Tioga	...	...	...	...	...
Tompkins	4	3	...	1	...
Ulster	1	1	...	...	...
Warren	1	1	...	...	...
Washington	...	...	...	...	...
Wayne	...	...	...	...	...
Westchester	8	7	...	1	...
Wyoming	1	1	...	...	...
Yates	...	...	...	...	...

Table A-103
FAMILY COURT
Original Dispositions of Designated Felony Petitions: Restitution or Public Service Recommended or Ordered
1992

Location	Total	Restitution or Pub. Services Recommended or Ordered	Restitution or Pub. Services Not Recommended or Ordered
Total New York State	386	23	363
Total New York City	232	5	227
New York	32	...	32
Kings	32	...	32
Queens	103	...	103
Bronx	65	5	60
Richmond	...	...	...
Total Upstate	154	18	136
Albany	1	...	1
Allegany	...	...	...
Broome	6	...	6
Cattaraugus	1	...	1
Cayuga	2	...	2
Chautauqua	14	1	13
Chemung	...	...	...
Chenango	...	...	...
Clinton	...	...	...
Columbia	...	...	...
Cortland	...	...	...
Delaware	2	...	2
Dutchess	4	...	4
Erie	13	...	13
Essex	1	...	1
Franklin	...	...	...
Fulton	1	...	1
Genesee	...	...	...
Greene	...	...	...
Hamilton	...	...	...
Herkimer	1	1	...
Jefferson	4	2	2
Lewis	...	...	...
Livingston	...	...	...
Madison	...	...	...
Monroe	40	5	35
Montgomery	...	...	...
Nassau	12	...	12
Niagara	2	1	1
Oneida	3	...	3
Onondaga	9	...	9
Ontario	...	...	...
Orange	2	...	2
Orleans	3	...	3
Oswego	6	...	6
Otsego	1	...	1
Putnam	...	...	...
Rensselaer	...	...	...
Rockland	1	1	...
St.Lawrence	2	1	1
Saratoga	...	...	...
Schenectady	3	...	3
Schoharie	...	...	...
Schuyler	...	...	...
Seneca	...	...	...
Steuben	2	...	2
Suffolk	3	1	2
Sullivan	...	...	...
Tioga	...	...	...
Tompkins	4	...	4
Ulster	1	...	1
Warren	1	...	1
Washington	...	...	...
Wayne	...	...	...
Westchester	8	5	3
Wyoming	1	...	1
Yates	...	...	...

Table A-104
FAMILY COURT
Original Dispositions of Designated Felony Petitions: Children Released And Detained Before Petition Filed
1992

Location	Total	Not Released Pursuant to 307.4	Released Pursuant to 307.4	Not Applicable*
Total New York State	386	29	27	330
Total New York City	232	18	24	190
New York	32	5	...	27
Kings	32	3	18	11
Queens	103	4	3	96
Bronx	65	6	3	56
Richmond	...	...	...	...
Total Upstate	154	11	3	140
Albany	1	...	...	1
Allegany	...	...	...	...
Broome	6	1	...	5
Cattaraugus	1	...	...	1
Cayuga	2	1	...	1
Chautauqua	14	...	...	14
Chemung	...	...	...	...
Chenango	...	...	...	...
Clinton	...	...	...	...
Columbia	...	...	...	...
Cortland	...	...	...	...
Delaware	2	...	...	2
Dutchess	4	...	2	2
Erie	13	...	...	13
Essex	1	...	...	1
Franklin	...	...	...	...
Fulton	1	...	...	1
Genesee	...	...	...	...
Greene	...	...	...	...
Hamilton	...	...	...	...
Herkimer	1	...	...	1
Jefferson	4	...	...	4
Lewis	...	...	...	...
Livingston	...	...	...	...
Madison	...	...	...	...
Monroe	40	...	...	40
Montgomery	...	...	...	...
Nassau	12	2	...	10
Niagara	2	...	...	2
Oneida	3	...	...	3
Onondaga	9	2	...	7
Ontario	...	...	...	...
Orange	2	...	...	2
Orleans	3	...	...	3
Oswego	6	...	...	6
Otsego	1	...	...	1
Putnam	...	...	...	...
Rensselaer	...	...	...	...
Rockland	1	...	...	1
St.Lawrence	2	...	...	2
Saratoga	...	...	...	...
Schenectady	3	...	...	3
Schoharie	...	...	...	...
Schuyler	...	...	...	...
Seneca	...	...	...	...
Steuben	2	...	...	2
Suffolk	3	...	...	3
Sullivan	...	...	...	...
Tioga	...	...	...	...
Tompkins	4	1	...	3
Ulster	1	...	...	1
Warren	1	...	...	1
Washington	...	...	...	...
Wayne	...	...	...	...
Westchester	8	4	1	3
Wyoming	1	...	...	1
Yates	...	...	...	...

* Respondent Not Detained

Table A-105
FAMILY COURT
Original Dispositions of Designated Felony Petitions: Children Released And Detained After Petition Filed
1992

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181 or More Days	Not Detained
Total New York State	386	18	11	6	12	32	11	...	296
Total New York City	232	11	4	3	8	18	2	...	186
New York	32	3	1	1	4	9	...	...	14
Kings	32	3	1	...	...	1	1	...	26
Queens	103	1	1	...	1	3	...	...	97
Bronx	65	4	1	2	3	5	1	...	49
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	154	7	7	3	4	14	9	...	110
Albany	1	...	...	...	...	...	...	...	1
Allegany	...	...	...	...	...	...	...	...	...
Broome	6	1	...	...	1	1	...	...	3
Cattaraugus	1	...	...	...	...	...	...	...	1
Cayuga	2	...	1	...	...	...	...	...	1
Chautauqua	14	...	1	...	1	...	2	...	10
Chemung	...	...	...	...	...	...	...	...	...
Chenango	...	...	...	...	...	...	...	...	...
Clinton	...	...	...	...	...	...	...	...	...
Columbia	...	...	...	...	...	...	...	...	...
Cortland	...	...	...	...	...	...	...	...	...
Delaware	2	...	...	...	...	...	...	...	2
Dutchess	4	...	...	...	...	...	...	...	4
Erie	13	...	1	...	...	...	...	...	12
Essex	1	...	...	...	...	...	...	...	1
Franklin	...	...	...	...	...	...	...	...	...
Fulton	1	...	...	...	...	...	...	...	1
Genesee	...	...	...	...	...	...	...	...	...
Greene	...	...	...	...	...	...	...	...	...
Hamilton	...	...	...	...	...	...	...	...	...
Herkimer	1	...	...	...	...	...	...	...	1
Jefferson	4	...	...	...	...	...	...	...	4
Lewis	...	...	...	...	...	...	...	...	...
Livingston	...	...	...	...	...	...	...	...	...
Madison	...	...	...	...	...	...	...	...	...
Monroe	40	3	3	2	...	6	5	...	21
Montgomery	...	...	...	...	...	...	...	...	...
Nassau	12	1	...	...	...	1	...	...	10
Niagara	2	...	...	...	...	...	...	...	2
Oneida	3	...	...	...	...	...	...	...	3
Onondaga	9	1	...	...	...	1	...	...	7
Ontario	...	...	...	...	...	...	...	...	...
Orange	2	...	...	...	...	...	...	...	2
Orleans	3	1	...	...	...	...	...	...	2
Oswego	6	...	...	...	1	1	...	...	4
Otsego	1	...	...	...	...	...	1	...	...
Putnam	...	...	...	...	...	...	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	1	...	...	...	...	...	...	...	1
St.Lawrence	2	...	...	...	...	...	...	...	2
Saratoga	...	...	...	...	...	...	...	...	...
Schenectady	3	...	...	...	...	...	...	...	3
Schoharie	...	...	...	...	...	...	...	...	...
Schuyler	...	...	...	...	...	...	...	...	...
Seneca	...		...	...	...	...	...	...	...
Steuben	2	...	...	...	...	2	...	...	...
Suffolk	3	...	...	1	...	...	...	...	2
Sullivan	...	...	...	...	...	...	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	4	...	...	...	...	...	1	...	3
Ulster	1	...	...	...	...	...	...	...	1
Warren	1	...	...	...	...	...	...	...	1
Washington	...	...	...	...	...	...	...	...	...
Wayne	...	...	...	...	...	...	...	...	...
Westchester	8	...	1	...	1	2	...	...	4
Wyoming	1	...	...	...	...	...	...	...	1
Yates	...	...	...	...	...	...	...	...	...

Table A-106
FAMILY COURT
Designated Felony Petitions: Orders Extending Placement
1992

Placement	Total Orders Extending Placement	1st Order Extending Placement	2nd Order Extending Placement	3rd Order Extending Placement	4th or More Order Extending Placement
New York State					
Nonrestrictive:					
Home, Rel., Pvt. Person	...	...	...	...	...
Comm. Social Service	9	5	3	1	...
Dfy Title II	30	21	7	2	...
Dfy Title III	32	23	5	3	1
Dfy 6 Month Resid.	8	3	4	1	...
Soc. Serv. Trans. To MH	...	...	...	...	...
Dfy Trans. To MH	1	1	...	...	...
Other Placement	2	2	...	...	...
Restrictive:					
Dfy 5 Years	1	1	...	...	...
Dfy 3 Years	1	1	...	...	...
Dfy Trans. To MH	...	...	...	...	...
**Total	84	57	19	7	1
New York City					
Nonrestrictive:					
Home, Rel., Pvt. Person	...	...	...	...	...
Comm. Social Service	...	...	...	...	...
Dfy Title II	23	18	4	1	...
Dfy Title III	23	15	4	3	1
Dfy 6 Month Resid.	2	...	2	...	...
Soc. Serv. Trans. To MH	...	...	...	...	...
Dfy Trans. To MH	...	...	...	...	...
Other Placement	1	1	...	...	...
Restrictive:					
Dfy 5 Years	1	1	...	...	...
Dfy 3 Years	...	...	...	...	...
Dfy Trans. To MH	...	...	...	...	...
**Total	50	35	10	4	1
Outside New York City					
Nonrestrictive:					
Home, Rel., Pvt. Person	...	...	...	...	...
Comm. Social Service	9	5	3	1	...
Dfy Title II	7	3	3	1	...
Dfy Title III	9	8	1	...	...
Dfy 6 Month Resid.	6	3	2	1	...
Soc. Serv. Trans. To MH	...	...	...	...	...
Dfy Trans. To MH	1	1	...	...	...
Other Placement	1	1	...	...	...
Restrictive:					
Dfy 5 Years	...	...	...	...	...
Dfy 3 Years	1	1	...	...	...
Dfy Trans. To MH	...	...	...	...	...
**Total	34	22	9	3	...

This table only includes those 110 forms where petition type (Section E) is code 2 -DF.

Table A-107
FAMILY COURT
Original Dispositions of Family Offense Petitions: Days From Filing Petition to Completion of Dispositional Hearing
1992

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days
Total New York State	37419	4480	4200	3585	4702	16075	3175	986	169	47
Total New York City	17350	1834	1147	1350	2097	9386	1204	267	50	15
New York	3205	350	291	243	432	1604	212	53	18	2
Kings	1995	173	215	272	232	950	118	28	6	1
Queens	5897	559	359	519	718	3236	412	75	14	5
Bronx	6253	752	282	316	715	3596	462	111	12	7
Richmond	...	...	...	...	...	...	...	...	...	...
Total Upstate	20069	2646	3053	2235	2605	6689	1971	719	119	32
Albany	631	30	22	22	165	296	61	35	...	...
Allegany	130	6	5	11	21	69	18	...	...	...
Broome	485	27	39	47	47	196	97	26	4	2
Cattaraugus	18	1	...	2	2	10	1	2	...	...
Cayuga	163	26	33	22	29	45	6	2	...	...
Chautauqua	65	1	5	9	9	21	11	7	2	...
Chemung	222	36	44	27	26	62	19	8	...	...
Chenango	23	1	3	3	4	10	2	...	...	...
Clinton	52	1	6	2	6	12	16	7	2	...
Columbia	96	24	12	5	6	32	11	6	...	...
Cortland	119	19	7	9	12	50	16	5	...	1
Delaware	118	21	8	21	15	30	19	2	2	...
Dutchess	950	110	68	54	79	453	141	38	7	...
Erie	1762	262	876	178	141	242	45	14	3	1
Essex	24	...	3	5	2	7	5	2	...	...
Franklin	50	1	4	6	13	20	6	...	...	...
Fulton	198	16	29	36	42	46	25	4	...	...
Genesee	124	19	20	10	16	31	17	10	...	1
Greene	96	14	3	7	24	43	5	...	...	...
Hamilton	4	2	1	...	...	...	1	...	...	...
Herkimer	223	12	30	61	29	55	17	16	3	...
Jefferson	213	13	34	52	21	50	23	20	...	...
Lewis	20	2	3	1	1	9	2	1	1	...
Livingston	81	15	10	9	12	23	4	6	2	...
Madison	156	16	20	21	15	60	18	6	...	...
Monroe	1878	379	527	327	196	378	55	12	2	2
Montgomery	43	11	11	4	12	5	...	...	...	...
Nassau	3424	349	154	396	575	1187	465	236	45	17
Niagara	270	6	36	41	53	98	25	7	3	1
Oneida	348	59	86	41	45	83	31	3	...	...
Onondaga	1145	47	26	49	157	733	107	22	4	...
Ontario	146	36	38	26	14	20	8	2	1	1
Orange	395	48	80	47	44	97	66	9	4	...
Orleans	13	1	...	...	1	4	...	6	1	...
Oswego	85	2	5	5	4	47	18	4	...	...
Otsego	9	2	1	1	...	5	...	...	...	...
Putnam	239	33	59	55	42	45	5	...	...	...
Rensselaer	...	...	...	...	...	...	...	...	...	...
Rockland	463	23	15	14	57	260	68	24	2	...
St.Lawrence	158	36	44	17	13	39	7	1	...	1
Saratoga	293	24	15	10	28	144	47	21	2	2
Schenectady	276	50	36	32	24	83	36	9	6	...
Schoharie	60	12	23	8	10	6	1	...	...	...
Schuyler	47	14	6	7	2	12	5	1	...	...
Seneca	35	5	2	3	5	13	6	1	...	...
Steuben	107	5	16	17	21	29	10	9	...	...
Suffolk	1535	421	317	256	185	279	53	18	5	1
Sullivan	142	18	37	19	12	43	8	5	...	...
Tioga	...	...	...	...	...	...	...	...	...	...
Tompkins	141	12	17	28	16	35	19	11	3	...
Ulster	264	8	9	10	21	122	54	36	4	...
Warren	126	5	10	20	18	25	36	10	2	...
Washington	62	5	4	8	4	25	8	5	2	1
Wayne	124	13	10	13	23	51	9	3	1	1
Westchester	2192	346	181	159	282	936	238	45	5	...
Wyoming	17	1	1	2	4	7	...	1	1	...
Yates	9	...	2	...	...	6	...	1	...	...

Table-A108
FAMILY COURT
Original Dispositions of Family Offense Petitions: Relationship Of Respondent to Petitioner or Complainant
1992

Location	Total	Hus-band	Wife	Former Hus-band	Former Wife	Father	Mother	Son	Daugh-ter	Man With Child In Common	Woman With Child In Common	Other Member Same Fam./ HSHLD.	Other Relat.
Total New York State	37419	18028	2731	1049	261	610	459	2024	909	7365	705	2096	1182
Total New York City	17350	7294	1047	434	106	120	175	1110	557	4223	404	1050	830
New York	3205	1148	184	107	26	26	47	216	105	895	93	260	98
Kings	1995	824	123	56	14	17	27	135	55	486	44	142	72
Queens	5897	3194	433	150	34	27	38	335	175	776	85	256	394
Bronx	6253	2128	307	121	32	50	63	424	222	2066	182	392	266
Richmond	...	...	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	20069	10734	1684	615	155	490	284	914	352	3142	301	1046	352
Albany	631	325	82	14	12	8	6	32	9	117	5	15	6
Allegany	130	83	4	2	...	8	3	2	4	19	...	4	1
Broome	485	307	48	7	4	3	1	14	7	66	8	18	2
Cattaraugus	18	12	...	...	...	1	...	4	...	1	...	...	...
Cayuga	163	97	5	2	1	1	2	6	4	38	2	3	2
Chautauqua	65	32	4	3	...	...	1	1	...	19	1	4	...
Chemung	222	122	18	12	2	3	3	9	2	32	2	8	9
Chenango	23	16	2	...	...	...	...	1	...	4	...	...	...
Clinton	52	30	3	2	1	...	...	3	1	10	...	1	1
Columbia	96	61	6	3	...	...	...	3	1	18	1	3	...
Cortland	119	67	8	7	1	5	2	1	1	17	2	7	1
Delaware	118	66	8	6	...	1	1	4	...	17	7	4	4
Dutchess	950	359	75	25	8	187	66	26	15	82	9	84	14
Erie	1762	862	74	67	17	14	22	80	39	433	30	109	15
Essex	24	15	2	1	...	...	...	1	1	2	...	2	...
Franklin	50	40	5	1	...	...	...	...	...	3	...	1	...
Fulton	198	96	22	4	2	3	5	4	...	29	3	7	23
Genesee	124	78	7	6	...	2	1	5	1	17	1	3	3
Greene	96	53	8	6	...	...	...	2	...	19	1	3	4
Hamilton	4	2	1	...	...	...	...	1	...	...	...	...	...
Herkimer	223	116	12	9	...	7	8	10	3	37	1	13	7
Jefferson	213	151	8	7	3	1	3	2	4	22	5	5	2
Lewis	20	10	3	...	...	...	...	1	...	4	1	1	...
Livingston	81	60	5	1	...	1	1	3	1	7	...	1	1
Madison	156	96	7	4	...	1	...	5	3	26	2	12	...
Monroe	1878	951	94	43	10	12	6	64	17	567	33	53	28
Montgomery	43	23	5	3	...	1	1	5	...	4	...	1	...
Nassau	3424	1679	365	114	32	129	77	261	87	262	75	243	100
Niagara	270	159	9	8	5	1	2	3	2	74	3	3	1
Oneida	348	188	26	17	5	10	6	8	2	56	7	18	5
Onondaga	1145	579	68	37	11	12	11	40	11	296	17	28	35
Ontario	146	84	9	4	...	2	...	8	3	29	2	3	2
Orange	395	250	34	16	2	10	1	5	4	50	3	10	10
Orleans	13	10	...	...	...	...	...	...	...	3	...	...	...
Oswego	85	64	6	2	...	2	1	2	2	4	...	2	...
Otsego	9	8	...	...	...	1	...	...	...	...	...	...	...
Putnam	239	160	28	5	2	5	1	14	3	15	2	4	...
Rensselaer	...	...	...	...	...	...	...	...	...	...	...	...	...
Rockland	463	253	60	13	5	3	6	32	10	54	4	20	3
St.Lawrence	158	114	12	...	...	...	1	1	2	25	1	2	...
Saratoga	293	194	29	14	2	2	6	6	2	25	3	4	6
Schenectady	276	174	20	7	1	2	1	8	4	50	2	5	2
Schoharie	60	39	3	5	...	...	3	...	2	5	...	1	2
Schuyler	47	25	2	6	...	...	...	1	...	11	1	1	...
Seneca	35	28	3	1	...	...	1	1	1	...	...	...	...
Steuben	107	73	9	2	1	...	...	2	...	14	1	4	1
Suffolk	1535	971	155	31	5	19	4	63	35	101	13	112	26
Sullivan	142	87	13	3	...	1	1	2	2	24	3	5	1
Tioga	...	...	...	...	...	...	...	...	...	...	...	...	...
Tompkins	141	95	4	3	2	2	...	4	...	24	2	5	...
Ulster	264	144	32	5	1	1	1	12	3	48	5	8	4
Warren	126	80	7	7	...	5	2	4	...	20	1	...	...
Washington	62	39	6	1	...	...	1	1	...	10	...	2	2
Wayne	124	92	1	2	...	1	...	5	1	19	1	1	1
Westchester	2192	996	264	76	20	23	26	142	63	311	41	202	28
Wyoming	17	12	1	1	...	...	...	...	...	2	...	1	...
Yates	9	7	2	...	...	...	...	...	...	...	...	...	...

Table A-109
FAMILY COURT
Original Dispositions of Family Offense Petitions: Allegations In Petitions
1992

Location	Total	Assault 2	Assault 3	Attempted Assault	Reckless Endangerment	Menacing	Harassment	Disorderly Conduct	Other
Total New York State	63417	2304	7842	3156	4597	7865	26275	8936	2442
Total New York City	33402	1515	4279	1951	3017	5310	11031	4079	2220
New York	7708	674	1031	729	501	1205	2383	1060	125
Kings	4294	300	333	225	308	853	1537	513	225
Queens	13364	314	1337	735	2126	2551	3671	1968	662
Bronx	8036	227	1578	262	82	701	3440	538	1208
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	30015	789	3563	1205	1580	2555	15244	4857	222
Albany	808	...	72	31	35	38	540	91	1
Allegany	196	1	21	12	5	7	114	33	3
Broome	741	3	245	12	108	133	225	15	...
Cattaraugus	20	1	...	1	1	1	14	2	...
Cayuga	212	4	48	6	8	8	89	18	31
Chautauqua	84	3	3	3	2	2	51	20	...
Chemung	227	...	...	...	3	3	216	...	5
Chenango	29	...	5	2	1	1	17	1	2
Clinton	91	...	16	15	5	7	38	10	...
Columbia	139	1	19	19	14	7	63	16	...
Cortland	209	9	20	11	34	15	101	19	...
Delaware	257	21	22	27	24	26	85	51	1
Dutchess	1246	10	62	48	120	85	852	47	22
Erie	1868	17	136	3	17	88	1304	300	3
Essex	46	...	3	1	2	7	22	11	...
Franklin	54	...	...	1	1	3	32	17	...
Fulton	238	2	21	14	12	13	50	107	19
Genesee	244	2	23	26	16	21	98	58	...
Greene	116	6	6	5	5	5	78	10	1
Hamilton	6	...	1	1	1	...	3	...	...
Herkimer	337	24	38	16	17	23	196	20	3
Jefferson	414	...	4	...	2	7	209	192	...
Lewis	50	6	6	8	5	12	10	2	1
Livingston	94	2	10	1	10	6	55	9	1
Madison	210	4	23	17	5	18	139	3	1
Monroe	3075	17	580	8	49	236	1617	567	1
Montgomery	69	5	8	11	4	5	34	2	...
Nassau	5311	48	685	100	183	361	2415	1484	35
Niagara	360	3	42	8	10	12	252	29	4
Oneida	674	61	69	87	71	83	232	69	2
Onondaga	1258	6	277	24	33	46	560	300	12
Ontario	189	1	82	3	11	9	65	18	...
Orange	788	60	113	93	79	129	279	33	2
Orleans	16	...	...	...	1	2	12	1	...
Oswego	139	...	16	6	12	17	70	18	...
Otsego	10	...	...	...	...	...	9	1	...
Putnam	418	9	59	15	44	45	167	76	3
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	1130	95	185	105	195	191	273	86	...
St.Lawrence	331	2	22	3	11	18	138	122	15
Saratoga	418	14	16	28	38	44	259	19	...
Schenectady	325	...	8	...	...	5	181	127	4
Schoharie	118	...	6	11	21	16	49	15	...
Schuyler	54	...	8	6	1	...	37	2	...
Seneca	53	...	5	11	5	11	12	7	2
Steuben	230	4	15	21	10	21	88	70	1
Suffolk	1562	...	...	...	1	13	1523	16	9
Sullivan	368	93	94	84	16	34	32	14	1
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	290	7	13	19	35	59	110	45	2
lster	273	...	2	1	1	4	260	4	1
Warren	146	4	2	7	5	7	31	90	...
Washington	160	28	25	27	17	22	31	9	1
Wayne	170	19	5	20	19	16	65	24	2
Westchester	4092	196	418	222	252	611	1819	543	31
Wyoming	41	...	2	4	3	2	16	14	...
Yates	11	1	2	1	...	...	7	...	...

Note: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-110
FAMILY COURT
Original Dispositions of Family Offense Petitions: Breakdown of Dispositions (Allegations Not Established)
1992

Location	Total	With-Drawn	Consolidated	Change of Venue	Transfer to Criminal Court	Dismissed After Fact-Finding Hearing	Dismissed Failure to Prosecute	Other Dismissal	Total Dispos. Allegs. Establ.
Total New York State	37419	7256	74	55	27	671	10611	5052	13673
Total New York City	17350	2244	8	1	15	445	8002	1867	4768
New York	3205	482	3	...	2	101	1194	453	970
Kings	1995	229	1	...	...	64	1014	195	492
Queens	5897	829	...	...	7	133	2648	494	1786
Bronx	6253	704	4	1	6	147	3146	725	1520
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	20069	5012	66	54	12	226	2609	3185	8905
Albany	631	5	...	2	...	...	5	400	219
Allegany	130	56	...	...	...	...	3	2	69
Broome	485	105	...	1	...	...	22	118	239
Cattaraugus	18	5	...	...	...	...	4	3	6
Cayuga	163	58	1	...	...	5	4	20	75
Chautauqua	65	26	...	1	...	...	7	4	27
Chemung	222	29	...	...	...	1	10	32	150
Chenango	23	6	1	...	...	...	3	6	7
Clinton	52	20	...	...	...	...	4	5	23
Columbia	96	58	...	1	...	...	7	6	24
Cortland	119	61	...	1	...	12	3	11	31
Delaware	118	20	...	1	...	3	26	25	43
Dutchess	950	299	16	6	3	4	131	77	414
Erie	1762	220	...	2	...	3	274	169	1094
Essex	24	12	...	...	...	...	2	2	8
Franklin	50	19	...	...	...	...	...	8	23
Fulton	198	62	7	...	...	1	39	2	87
Genesee	124	40	...	...	1	1	4	12	66
Greene	96	20	...	...	...	1	20	1	54
Hamilton	4	1	...	...	...	...	...	...	3
Herkimer	223	74	3	1	...	1	19	20	105
Jefferson	213	93	1	3	...	1	43	1	71
Lewis	20	7	...	...	...	1	...	...	12
Livingston	81	21	2	1	...	...	2	7	48
Madison	156	47	...	1	...	...	...	25	83
Monroe	1878	378	10	5	2	...	...	654	829
Montgomery	43	9	1	...	...	5	4	3	21
Nassau	3424	1060	7	8	5	99	320	430	1495
Niagara	270	33	...	...	...	6	14	63	154
Oneida	348	132	...	1	...	2	37	18	158
Onondaga	1145	211	3	1	1	4	438	111	376
Ontario	146	40	...	1	...	5	10	9	81
Orange	395	115	1	...	...	12	59	42	166
Orleans	13	3	1	...	...	...	2	6	1
Oswego	85	22	1	1	...	...	32	12	17
Otsego	9	1	...	...	...	...	...	2	6
Putnam	239	100	...	...	...	1	22	5	111
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	463	76	1	1	...	5	72	13	295
St.Lawrence	158	24	...	...	...	...	7	1	126
Saratoga	293	90	1	...	...	...	17	33	152
Schenectady	276	105	1	1	...	3	43	15	108
Schoharie	60	31	...	...	...	2	4	4	19
Schuyler	47	19	...	...	...	...	5	8	15
Seneca	35	19	1	1	...	...	1	4	9
Steuben	107	35	1	...	...	2	5	21	43
Suffolk	1535	337	1	2	...	12	191	449	543
Sullivan	142	35	...	...	...	1	28	7	71
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	141	65	...	2	...	...	20	5	49
Ulster	264	115	1	2	...	...	37	7	102
Warren	126	27	2	2	...	1	17	1	76
Washington	62	29	...	...	...	...	2	1	30
Wayne	124	58	...	...	...	1	4	4	57
Westchester	2192	470	2	5	...	30	585	299	801
Wyoming	17	6	...	...	...	1	...	2	8
Yates	9	3	...	...	...	...	1	...	5

Table A-111
FAMILY COURT
Original Dispositions of Family Offense Petitions: Breakdown of Dispositions (Allegations Established)
1992

Location	Total	Suspended Judgment	Probation	Order of Protection	Probation + Order Of Protection
Total New York State	13673	38	29	13587	19
Total New York City	4768	10	6	4748	4
New York	970	1	...	969	...
Kings	492	...	1	490	1
Queens	1786	4	4	1777	1
Bronx	1520	5	1	1512	2
Richmond	...	...	...	...	...
Total Upstate	8905	28	23	8839	15
Albany	219	...	...	219	...
Allegany	69	...	...	69	...
Broome	239	13	...	226	...
Cattaraugus	6	...	...	6	...
Cayuga	75	...	...	75	...
Chautauqua	27	...	...	27	...
Chemung	150	...	1	149	...
Chenango	7	...	1	6	...
Clinton	23	...	...	23	...
Columbia	24	1	...	23	...
Cortland	31	...	...	31	...
Delaware	43	...	...	43	...
Dutchess	414	...	1	410	3
Erie	1094	3	6	1085	...
Essex	8	...	...	8	...
Franklin	23	1	...	22	...
Fulton	87	...	...	87	...
Genesee	66	...	...	66	...
Greene	54	...	...	54	...
Hamilton	3	...	...	3	...
Herkimer	105	2	...	103	...
Jefferson	71	...	...	71	...
Lewis	12	...	...	12	...
Livingston	48	...	...	48	...
Madison	83	1	...	82	...
Monroe	829	1	...	828	...
Montgomery	21	...	...	21	...
Nassau	1495	...	12	1481	2
Niagara	154	...	...	154	...
Oneida	158	...	...	158	...
Onondaga	376	...	...	376	...
Ontario	81	...	...	81	...
Orange	166	...	...	166	...
Orleans	1	...	...	1	...
Oswego	17	...	...	17	...
Otsego	6	...	...	6	...
Putnam	111	...	...	111	...
Rensselaer	...	...	...	...	...
Rockland	295	...	...	295	...
St.Lawrence	126	...	...	126	...
Saratoga	152	...	...	152	...
Schenectady	108	1	...	106	1
Schoharie	19	2	...	17	...
Schuyler	15	...	...	15	...
Seneca	9	...	...	9	...
Steuben	43	...	...	43	...
Suffolk	543	2	...	540	1
Sullivan	71	...	...	71	...
Tioga	...	...	...	...	...
Tompkins	49	...	...	48	1
Ulster	102	...	1	99	2
Warren	76	...	...	76	...
Washington	30	1	...	29	...
Wayne	57	...	...	57	...
Westchester	801	...	1	795	5
Wyoming	8	...	...	8	...
Yates	5	...	...	5	...

Table A-112
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Days From Filing Petition to Completion of Fact-Finding Hearing
1992

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	5583	364	354	375	402	993	234	43	10	6	2802
Total New York City	1219	39	20	15	15	69	33	14	2	...	1012
New York	275	1	6	2	1	14	1	1	...	...	249
Kings	148	11	5	3	5	16	10	1	...	...	97
Queens	429	22	9	10	9	30	14	8	1	...	326
Bronx	367	5	...	...	...	9	8	4	1	...	340
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	4364	325	334	360	387	924	201	29	8	6	1790
Albany	298	38	23	25	51	75	4	1	...	...	81
Allegany	45	1	...	2	8	11	...	2	...	...	21
Broome	98	2	8	8	12	25	9	...	...	...	34
Cattaraugus	27	...	1	1	3	10	2	...	...	...	10
Cayuga	23	2	6	3	1	5	...	...	...	...	6
Chautauqua	43	...	1	3	8	17	6	1	...	...	7
Chemung	79	6	3	5	8	41	7	...	...	...	9
Chenango	9	2	2	4	1	...	...	...	...	...	...
Clinton	25	2	1	4	4	8	1	...	...	...	5
Columbia	31	...	3	2	4	10	3	1	...	...	8
Cortland	25	2	...	...	1	9	6	...	...	...	7
Delaware	4	...	1	...	...	2	...	...	...	...	1
Dutchess	51	4	1	...	1	21	6	1	...	...	17
Erie	378	50	53	16	18	23	3	1	...	...	214
Essex	12	...	...	1	...	8	...	...	...	...	3
Franklin	26	2	1	2	3	10	...	...	...	...	8
Fulton	37	3	3	1	4	7	...	...	...	...	19
Genesee	19	...	...	1	8	5	1	...	...	...	4
Greene	51	8	8	4	6	17	...	...	...	...	8
Hamilton	2	...	...	...	...	...	2	...	...	...	...
Herkimer	55	1	2	1	...	6	9	1	...	...	35
Jefferson	64	3	3	9	1	18	9	1	...	...	20
Lewis	5	...	...	...	...	1	...	...	...	...	4
Livingston	20	...	...	1	4	2	1	...	...	...	12
Madison	65	8	4	8	4	18	...	1	...	...	22
Monroe	403	33	44	19	37	65	6	2	...	1	196
Montgomery	15	3	2	1	4	5	...	...	...	...	...
Nassau	243	26	4	76	33	44	11	...	1	4	44
Niagara	167	6	31	22	36	33	4	1	...	...	34
Oneida	91	9	26	16	8	16	...	...	...	...	16
Onondaga	459	10	21	34	27	65	13	1	...	...	288
Ontario	38	3	5	8	2	6	...	...	...	...	14
Orange	157	...	3	4	7	30	5	...	...	...	108
Orleans	33	2	3	...	3	7	6	...	2	...	10
Oswego	28	...	...	1	2	18	5	...	...	...	2
Otsego	6	1	2	...	...	3	...	...	...	...	...
Putnam	35	...	2	2	2	3	...	1	...	...	25
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	65	10	1	3	5	21	7	2	...	...	16
St.Lawrence	27	1	2	3	3	14	1	...	...	...	3
Saratoga	130	18	3	4	12	61	6	...	...	...	26
Schenectady	238	27	15	31	20	36	4	...	...	1	104
Schoharie	5	...	2	2	...	...	...	...	...	...	1
Schuyler	6	1	3	1	...	...	...	...	...	...	1
Seneca	30	2	1	1	...	8	6	2	1	...	9
Steuben	63	1	3	7	4	16	5	2	1	...	24
Suffolk	248	8	10	6	9	40	13	1	1	...	160
Sullivan	12	2	2	...	1	1	1	...	...	...	5
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	47	1	1	2	1	9	10	1	...	...	22
Ulster	124	1	2	2	10	35	21	4	1	...	48
Warren	27	4	6	4	1	3	1	...	...	...	8
Washington	23	4	...	3	...	4	1	1	...	...	10
Wayne	39	1	9	2	4	7	2	...	...	...	14
Westchester	107	17	7	4	5	25	3	...	1	...	45
Wyoming	4	...	...	1	1	...	1	...	...	...	1
Yates	2	...	...	...	...	...	...	1	...	...	1

* Disposed before fact-finding

Table A-113
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Days From Completion of Fact-Finding Hearing to Completion of Dispositional Hearing
1992

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181-365 Days	366-730 Days	731 or More Days	Not Applicable*
Total New York State	5583	671	37	64	154	1373	383	75	21	3	2802
Total New York City	1219	37	2	1	6	87	57	12	5	...	1012
New York	275	6	...	1	...	11	8	...	...	...	249
Kings	148	7	...	...	1	22	15	5	1	...	97
Queens	429	11	2	...	5	46	30	6	3	...	326
Bronx	367	13	...	...	...	8	4	1	1	...	340
Richmond	...	...	...	...	...	...	...	...	...	...	...
Total Upstate	4364	634	35	63	148	1286	326	63	16	3	1790
Albany	298	15	1	1	38	124	36	2	...	...	81
Allegany	45	3	...	...	...	15	4	1	1	...	21
Broome	98	33	1	1	9	15	3	2	...	...	34
Cattaraugus	27	9	1	...	...	6	1	...	...	...	10
Cayuga	23	8	2	...	...	6	...	1	...	...	6
Chautauqua	43	15	...	3	9	9	...	...	...	...	7
Chemung	79	10	2	1	...	32	20	5	...	...	9
Chenango	9	8	...	...	...	1	...	...	...	...	...
Clinton	25	13	...	...	1	5	1	...	...	...	5
Columbia	31	13	...	1	2	5	1	1	...	...	8
Cortland	25	9	...	...	...	9	...	...	...	...	7
Delaware	4	2	...	...	...	1	...	...	...	...	1
Dutchess	51	19	...	...	...	11	4	...	...	...	17
Erie	378	83	1	16	14	46	4	...	...	...	214
Essex	12	2	...	...	...	6	1	...	...	...	3
Franklin	26	...	...	1	1	14	2	...	...	...	8
Fulton	37	15	2	...	...	1	...	...	...	...	19
Genesee	19	1	...	...	1	13	...	...	...	...	4
Greene	51	1	...	1	4	33	2	2	...	...	8
Hamilton	2	2	...	...	...	...	...	...	...	...	...
Herkimer	55	14	...	...	...	4	2	...	...	...	35
Jefferson	64	40	...	...	...	4	...	...	...	...	20
Lewis	5	1	...	...	...	...	...	...	...	...	4
Livingston	20	8	...	...	...	...	...	...	...	...	12
Madison	65	10	...	...	...	23	9	1	...	...	22
Monroe	403	6	5	1	10	140	33	9	3	...	196
Montgomery	15	2	...	...	...	10	2	1	...	...	...
Nassau	243	5	1	2	6	141	35	7	...	2	44
Niagara	167	33	3	9	13	59	13	2	1	...	34
Oneida	91	3	...	4	4	52	11	1	...	...	16
Onondaga	459	27	...	2	3	92	40	7	...	...	288
Ontario	38	2	...	...	2	16	2	1	1	...	14
Orange	157	6	...	...	2	32	8	1	...	...	108
Orleans	33	16	...	...	1	5	1	...	...	...	10
Oswego	28	13	...	...	1	9	2	...	1	...	2
Otsego	6	...	...	1	...	4	1	...	...	...	...
Putnam	35	1	...	...	...	5	1	1	2	...	25
Rensselaer	...	...	...	...	...	...	...	...	...	...	...
Rockland	65	17	1	...	...	18	11	2	...	...	16
St.Lawrence	27	...	...	...	...	21	2	...	1	...	3
Saratoga	130	24	1	13	7	36	22	1	...	...	26
Schenectady	238	12	8	4	6	90	14	...	...	...	104
Schoharie	5	...	...	...	1	3	...	...	...	...	1
Schuyler	6	5	...	...	...	...	...	...	...	...	1
Seneca	30	16	1	...	1	3	...	...	...	...	9
Steuben	63	18	...	...	2	11	8	...	...	...	24
Suffolk	248	21	3	1	...	47	2	7	6	1	160
Sullivan	12	1	...	...	...	6	...	...	...	...	5
Tioga	...	...	...	...	...	...	...	...	...	...	...
Tompkins	47	14	...	...	...	9	2	...	...	...	22
Ulster	124	24	1	...	2	40	6	3	...	...	48
Warren	27	8	1	...	...	7	...	3	...	...	8
Washington	23	12	...	...	1	...	...	...	...	...	10
Wayne	39	3	...	...	...	14	8	...	...	...	14
Westchester	107	11	...	1	7	29	12	2	...	...	45
Wyoming	4	...	...	...	...	3	...	...	...	...	1
Yates	2	...	...	...	...	1	...	...	...	...	1

* Disposed before fact-finding

Table A-114
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Age of Boys When Petition Filed
1992

Location	Total	5 or Younger	6-8	9-11	12-14	15 or More
Total New York State	2736	...	14	180	1444	1098
Total New York City	530	...	...	14	291	225
New York	111	...	...	3	63	45
Kings	68	...	...	4	39	25
Queens	203	...	...	6	104	93
Bronx	148	...	...	1	85	62
Richmond	...	...	...	...	...	...
Total Upstate	2206	...	14	166	1153	873
Albany	151	...	2	22	75	52
Allegany	22	...	...	2	11	9
Broome	56	...	...	4	21	31
Cattaraugus	13	...	...	3	6	4
Cayuga	12	...	...	1	8	3
Chautauqua	21	...	...	1	12	8
Chemung	51	...	...	7	29	15
Chenango	3	...	...	...	3	...
Clinton	11	...	...	...	6	5
Columbia	20	...	...	4	11	5
Cortland	17	...	...	...	10	7
Delaware	2	...	...	...	1	1
Dutchess	28	...	...	3	18	7
Erie	159	...	...	7	80	72
Essex	10	...	...	1	6	3
Franklin	14	...	...	...	7	7
Fulton	25	...	...	3	10	12
Genesee	10	...	1	2	5	2
Greene	19	...	1	3	9	6
Hamilton	2	...	...	...	...	2
Herkimer	32	...	1	2	15	16
Jefferson	41	...	...	2	27	12
Lewis	3	...	...	1	2	...
Livingston	12	...	2	...	6	4
Madison	34	...	...	3	24	7
Monroe	169	...	1	9	99	60
Montgomery	10	...	...	1	7	2
Nassau	128	...	...	2	71	55
Niagara	100	...	...	14	54	32
Oneida	43	...	...	4	16	23
Onondaga	200	...	1	14	104	81
Ontario	15	...	...	2	7	6
Orange	76	...	2	1	45	28
Orleans	19	...	...	2	12	5
Oswego	20	...	...	2	11	7
Otsego	2	...	...	...	...	2
Putnam	14	...	...	4	8	2
Rensselaer	...	...	...	...	...	...
Rockland	40	...	...	4	20	16
St.Lawrence	20	...	...	1	11	8
Saratoga	77	...	1	7	40	29
Schenectady	115	...	...	2	64	49
Schoharie	3	...	...	...	2	1
Schuyler	2	...	...	...	2	...
Seneca	13	...	2	2	3	6
Steuben	36	...	...	3	28	5
Suffolk	141	...	...	4	57	80
Sullivan	8	...	...	...	3	5
Tioga	...	...	...	...	...	...
Tompkins	32	...	...	4	17	11
Ulster	62	...	...	7	23	32
Warren	13	...	...	2	6	5
Washington	17	...	...	2	9	6
Wayne	19	...	...	1	12	6
Westchester	40	...	...	1	17	22
Wyoming	2	...	...	...	2	...
Yates	2	...	...	...	1	1

Table A-115
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Age of Girls When Petition Filed
1992

Location	Total	5 or Younger	6-8	9-11	12-14	15 or More
Total New York State	2847	1	4	63	1598	1181
Total New York City	689	...	...	10	395	284
New York	164	...	...	2	92	70
Kings	80	...	...	3	52	25
Queens	226	...	...	2	126	98
Bronx	219	...	...	3	125	91
Richmond	...	...	...	...	...	...
Total Upstate	2158	1	4	53	1203	897
Albany	147	...	1	6	76	64
Allegany	23	...	...	1	9	13
Broome	42	...	...	1	19	22
Cattaraugus	14	...	...	1	5	8
Cayuga	11	...	...	...	6	5
Chautauqua	22	...	...	...	11	11
Chemung	28	...	...	1	17	10
Chenango	6	...	...	...	5	1
Clinton	14	...	...	...	11	3
Columbia	11	...	...	1	4	6
Cortland	8	...	...	...	5	3
Delaware	2	...	...	...	1	1
Dutchess	23	...	...	...	18	5
Erie	219	...	...	4	128	87
Essex	2	...	...	...	2	...
Franklin	12	...	...	...	4	8
Fulton	12	...	...	...	5	7
Genesee	9	...	...	...	6	3
Greene	32	...	...	5	20	7
Hamilton	...	...	...	...	...	...
Herkimer	23	...	1	1	12	9
Jefferson	23	...	...	2	13	8
Lewis	2	...	...	...	...	2
Livingston	8	...	...	...	3	5
Madison	31	...	...	2	14	15
Monroe	234	...	...	5	141	86
Montgomery	5	...	...	...	4	1
Nassau	115	1	...	1	61	52
Niagara	67	...	...	2	38	27
Oneida	48	...	...	...	28	20
Onondaga	259	...	...	3	164	92
Ontario	23	...	...	...	11	12
Orange	81	...	...	3	47	31
Orleans	14	...	1	...	7	6
Oswego	8	...	...	...	6	2
Otsego	4	...	...	...	2	2
Putnam	21	...	...	1	5	15
Rensselaer	...	...	...	...	...	...
Rockland	25	...	...	1	10	14
St.Lawrence	7	...	...	...	3	4
Saratoga	53	...	1	1	31	20
Schenectady	123	...	...	5	68	50
Schoharie	2	...	...	...	1	1
Schuyler	4	...	...	...	3	1
Seneca	17	...	...	...	12	5
Steuben	27	...	...	1	21	5
Suffolk	107	...	...	...	50	57
Sullivan	4	...	...	...	...	4
Tioga	...	...	...	...	...	...
Tompkins	15	...	...	...	7	8
Ulster	62	...	...	4	33	25
Warren	14	...	...	...	6	8
Washington	6	...	...	...	5	1
Wayne	20	...	...	...	14	6
Westchester	67	...	...	1	30	36
Wyoming	2	...	...	...	1	1
Yates	...	...	...	...	...	...

Table A-116
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Type of Petition
1992

Location	Total	Original Pins Petition	Pins Petition Substituted For JD Petition
Total New York State	5583	5293	290
Total New York City	1219	1186	33
New York	275	268	7
Kings	148	143	5
Queens	429	415	14
Bronx	367	360	7
Richmond	...	...	...
Total Upstate	4364	4107	257
Albany	298	297	1
Allegany	45	44	1
Broome	98	93	5
Cattaraugus	27	25	2
Cayuga	23	21	2
Chautauqua	43	41	2
Chemung	79	58	21
Chenango	9	8	1
Clinton	25	25	...
Columbia	31	30	1
Cortland	25	25	...
Delaware	4	4	...
Dutchess	51	48	3
Erie	378	341	37
Essex	12	11	1
Franklin	26	26	...
Fulton	37	36	1
Genesee	19	11	8
Greene	51	34	17
Hamilton	2	2	...
Herkimer	55	55	...
Jefferson	64	64	...
Lewis	5	5	...
Livingston	20	19	1
Madison	65	62	3
Monroe	403	376	27
Montgomery	15	15	...
Nassau	243	237	6
Niagara	167	161	6
Oneida	91	88	3
Onondaga	459	452	7
Ontario	38	36	2
Orange	157	157	...
Orleans	33	33	...
Oswego	28	27	1
Otsego	6	6	...
Putnam	35	29	6
Rensselaer	...	...	...
Rockland	65	53	12
St.Lawrence	27	25	2
Saratoga	130	129	1
Schenectady	238	233	5
Schoharie	5	5	...
Schuyler	6	6	...
Seneca	30	30	...
Steuben	63	62	1
Suffolk	248	195	53
Sullivan	12	12	...
Tioga	...	...	...
Tompkins	47	31	16
Ulster	124	123	1
Warren	27	26	1
Washington	23	23	...
Wayne	39	39	...
Westchester	107	107	...
Wyoming	4	4	...
Yates	2	2	...

Table A-117
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Type of Petitioner
1992

Location	Total	Police/ Peace Officer	Parent/ Legal Guard.	Injured Individual or Parent Rel. Guard. if Inj. Individual	Witness to Injury	School	Author-Ized Agency	Presentment Agency that Consented to Substitute Pins For JD Petition	Other
Total New York State	5583	95	3635	30	...	1428	153	230	12
Total New York City	1219	19	1166	8	...	10	4	11	1
New York	275	7	260	3	...	...	3	1	1
Kings	148	1	142	1	...	...	...	4	...
Queens	429	9	406	4	...	6	...	4	...
Bronx	367	2	358	...	...	4	1	2	...
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	4364	76	2469	22	...	1418	149	219	11
Albany	298	1	183	7	...	101	6	...	...
Allegany	45	2	20	...	...	13	8	1	1
Broome	98	3	61	...	...	28	4	1	1
Cattaraugus	27	...	7	...	...	17	3	...	...
Cayuga	23	1	12	...	...	9	...	1	...
Chautauqua	43	...	17	...	...	26	...	...	...
Chemung	79	...	24	...	...	31	3	21	...
Chenango	9	...	7	...	...	1	...	1	...
Clinton	25	...	12	...	...	10	3	...	...
Columbia	31	...	18	...	...	11	2	...	...
Cortland	25	3	10	...	...	12	...	...	...
Delaware	4	...	1	...	...	3	...	...	...
Dutchess	51	1	29	1	...	14	4	2	...
Erie	378	4	294	4	...	34	5	37	...
Essex	12	2	2	...	...	7	1	...	...
Franklin	26	1	6	...	...	18	1	...	...
Fulton	37	4	15	...	...	16	1	1	...
Genesee	19	...	7	...	...	4	...	8	...
Greene	51	4	18	...	...	13	...	16	...
Hamilton	2	...	...	...	...	...	2	...	...
Herkimer	55	4	37	...	...	14	...	...	...
Jefferson	64	...	29	...	...	31	4	...	...
Lewis	5	...	1	...	...	4	...	...	...
Livingston	20	...	15	...	...	4	...	1	...
Madison	65	...	37	...	...	25	...	3	...
Monroe	403	10	260	...	...	93	18	22	...
Montgomery	15	...	10	...	...	5	...	...	...
Nassau	243	2	152	1	...	82	2	4	...
Niagara	167	1	117	...	...	41	1	4	3
Oneida	91	1	43	1	...	41	2	3	...
Onondaga	459	...	256	...	...	182	14	6	1
Ontario	38	...	24	...	...	11	2	1	...
Orange	157	1	98	1	...	55	2	...	...
Orleans	33	...	14	...	...	18	1	...	...
Oswego	28	...	18	...	...	9	1	...	...
Otsego	6	...	2	...	...	3	1	...	...
Putnam	35	...	19	...	...	12	3	1	...
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	65	...	31	1	...	21	...	12	...
St.Lawrence	27	1	10	...	...	13	1	2	...
Saratoga	130	1	71	...	...	53	4	...	1
Schenectady	238	7	116	2	...	88	20	5	...
Schoharie	5	...	1	...	...	4	...	...	...
Schuyler	6	1	3	...	...	1	1	...	...
Seneca	30	10	8	...	...	8	3	...	1
Steuben	63	1	21	...	...	38	3	...	...
Suffolk	248	1	120	2	...	60	13	49	3
Sullivan	12	...	8	1	...	3	...	...	...
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	47	1	17	...	...	7	6	16	...
Ulster	124	1	47	...	...	73	3	...	...
Warren	27	1	10	...	...	14	1	1	...
Washington	23	1	11	...	...	11	...	...	...
Wayne	39	...	23	...	...	16	...	...	...
Westchester	107	4	96	1	...	6	...	...	...
Wyoming	4	...	1	...	...	3	...	...	...
Yates	2	1	...	...	...	1	...	...	...

Table A-118
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Allegations In Petitions
1992

Location	Total	Habitual Truancy	Incorr. Ungov. or Habit Disobedient	221.05 Penal Law	Other
Total New York State	7344	2446	4206	161	531
Total New York City	2214	701	1130	76	307
New York	578	175	262	48	93
Kings	294	101	134	3	56
Queens	588	175	393	3	17
Bronx	754	250	341	22	141
Richmond	...	...	...	...	...
Total Upstate	5130	1745	3076	85	224
Albany	303	96	207	...	...
Allegany	53	15	36	...	2
Broome	133	50	82	...	1
Cattaraugus	31	17	13	...	1
Cayuga	30	12	15	...	3
Chautauqua	51	23	28	...	...
Chemung	94	26	47	...	21
Chenango	11	2	8	...	1
Clinton	33	8	23	2	...
Columbia	38	10	27	...	1
Cortland	30	7	20	3	...
Delaware	7	4	3	...	...
Dutchess	63	25	36	...	2
Erie	389	42	309	...	38
Essex	19	7	8	3	1
Franklin	29	15	13	1	...
Fulton	46	14	29	...	3
Genesee	24	5	11	...	8
Greene	56	12	42	1	1
Hamilton	6	2	2	...	2
Herkimer	70	27	42	...	1
Jefferson	68	22	46	...	...
Lewis	12	5	5	2	...
Livingston	20	3	16	...	1
Madison	81	23	55	...	3
Monroe	460	161	275	...	24
Montgomery	20	6	11	...	3
Nassau	245	80	161	...	4
Niagara	219	72	133	1	13
Oneida	111	57	49	2	3
Onondaga	491	203	279	4	5
Ontario	66	23	36	4	3
Orange	223	90	131	1	1
Orleans	39	12	27	...	...
Oswego	32	7	25	...	...
Otsego	6	2	4	...	...
Putnam	38	17	17	...	4
Rensselaer	...	...	...	...	...
Rockland	78	25	44	2	7
St.Lawrence	44	17	24	1	2
Saratoga	149	44	104	...	1
Schenectady	298	144	147	...	7
Schoharie	5	2	3	...	...
Schuyler	6	1	5	...	...
Seneca	43	19	20	...	4
Steuben	127	37	59	30	1
Suffolk	250	71	126	5	48
Sullivan	13	1	12	...	...
Tioga	...	...	...	...	...
Tompkins	69	20	31	18	...
Ulster	148	77	66	4	1
Warren	37	16	20	...	1
Washington	34	12	22	...	...
Wayne	45	17	28	...	...
Westchester	131	37	91	1	2
Wyoming	4	2	2	...	...
Yates	2	1	1	...	...

Note: The number of allegations exceeds the number of dispositions because multiple allegations may have been reported for each petition

Table A-119
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Outcome of Fact-Finding
1992

Location	Total	Allegations Established In Whole or In Part After Fact-Finding Hearing	Allegations Established In Whole or In Part By Admission	Allegations Not Established After Fact-Finding Hearing	Not Applicable*
Total New York State	5583	86	2640	56	2801
Total New York City	1219	14	187	6	1012
New York	275	6	19	1	249
Kings	148	2	47	2	97
Queens	429	4	99	...	326
Bronx	367	2	22	3	340
Richmond	...	...	...	...	...
Total Upstate	4364	72	2453	50	1789
Albany	298	1	216	...	81
Allegany	45	...	24	...	21
Broome	98	2	62	...	34
Cattaraugus	27	...	17	...	10
Cayuga	23	...	17	...	6
Chautauqua	43	1	34	1	7
Chemung	79	1	67	2	9
Chenango	9	...	9	...	...
Clinton	25	1	19	...	5
Columbia	31	1	22	...	8
Cortland	25	3	11	4	7
Delaware	4	...	3	...	1
Dutchess	51	...	34	...	17
Erie	378	2	161	2	213
Essex	12	...	9	...	3
Franklin	26	...	18	...	8
Fulton	37	1	17	...	19
Genesee	19	1	14	...	4
Greene	51	...	42	1	8
Hamilton	2	...	2	...	...
Herkimer	55	1	19	...	35
Jefferson	64	1	43	...	20
Lewis	5	...	1	...	4
Livingston	20	3	5	...	12
Madison	65	1	42	...	22
Monroe	403	5	200	2	196
Montgomery	15	...	13	2	...
Nassau	243	4	190	5	44
Niagara	167	2	126	5	34
Oneida	91	1	73	1	16
Onondaga	459	7	161	3	288
Ontario	38	1	22	1	14
Orange	157	2	47	...	108
Orleans	33	...	23	...	10
Oswego	28	...	18	8	2
Otsego	6	2	4	...	...
Putnam	35	...	10	...	25
Rensselaer	...	...	...	...	...
Rockland	65	...	48	1	16
St.Lawrence	27	4	20	...	3
Saratoga	130	4	99	1	26
Schenectady	238	...	134	...	104
Schoharie	5	...	4	...	1
Schuyler	6	...	5	...	1
Seneca	30	2	19	...	9
Steuben	63	3	35	1	24
Suffolk	248	1	87	...	160
Sullivan	12	3	4	...	5
Tioga	...	...	...	...	...
Tompkins	47	3	22	...	22
Ulster	124	1	72	3	48
Warren	27	1	18	...	8
Washington	23	...	13	...	10
Wayne	39	1	24	...	14
Westchester	107	5	50	7	45
Wyoming	4	...	3	...	1
Yates	2	...	1	...	1

* Disposed before fact-finding

Table A-120
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Duration of Probation

1992

Location	Total	One Month or Less	2-4 Months	5-7 Months	8-9 Months	10-11 Months	Twelve or More Months
Total New York State	5583	4248	5	24	5	5	1296
Total New York City	1219	1179	...	3	...	...	37
New York	275	274	...	...	...	...	1
Kings	148	135	...	2	...	...	11
Queens	429	408	...	1	...	...	20
Bronx	367	362	...	...	...	...	5
Richmond	...	...	...	...	...	...	...
Total Upstate	4364	3069	5	21	5	5	1259
Albany	298	162	...	...	...	...	136
Allegany	45	33	...	...	...	...	12
Broome	98	56	...	1	...	...	41
Cattaraugus	27	12	...	...	...	...	15
Cayuga	23	19	...	...	...	...	4
Chautauqua	43	30	...	...	...	...	13
Chemung	79	52	...	...	...	...	27
Chenango	9	9	...	...	...	...	...
Clinton	25	15	...	2	...	...	8
Columbia	31	15	...	1	...	...	15
Cortland	25	15	...	...	...	...	10
Delaware	4	3	...	...	...	...	1
Dutchess	51	42	...	...	...	...	9
Erie	378	272	...	2	...	...	104
Essex	12	6	...	...	...	...	6
Franklin	26	19	...	...	...	...	7
Fulton	37	24	...	...	...	...	13
Genesee	19	7	...	...	...	...	12
Greene	51	14	...	...	...	...	37
Hamilton	2	2	...	...	...	...	...
Herkimer	55	48	...	...	...	...	7
Jefferson	64	33	...	1	...	...	30
Lewis	5	4	...	...	...	...	1
Livingston	20	18	...	...	...	...	2
Madison	65	56	...	...	...	...	9
Monroe	403	338	...	1	...	...	64
Montgomery	15	8	...	...	...	...	7
Nassau	243	101	...	...	...	...	142
Niagara	167	104	5	5	3	5	45
Oneida	91	70	...	...	...	...	21
Onondaga	459	388	...	...	1	...	70
Ontario	38	27	...	...	...	...	11
Orange	157	140	...	...	...	...	17
Orleans	33	21	...	...	...	...	12
Oswego	28	12	...	1	...	...	15
Otsego	6	6	...	...	...	...	...
Putnam	35	31	...	...	...	...	4
Rensselaer	...	...	...	...	...	...	...
Rockland	65	41	...	...	1	...	23
St.Lawrence	27	15	...	...	...	...	12
Saratoga	130	101	...	...	...	...	29
Schenectady	238	171	...	...	...	...	67
Schoharie	5	3	...	...	...	...	2
Schuyler	6	5	...	...	...	...	1
Seneca	30	22	...	...	...	...	8
Steuben	63	47	...	...	...	...	16
Suffolk	248	175	...	1	...	...	72
Sullivan	12	9	...	...	...	...	3
Tioga	...	...	...	...	...	...	...
Tompkins	47	39	...	...	...	...	8
Ulster	124	83	...	1	...	...	40
Warren	27	21	...	2	...	...	4
Washington	23	16	...	...	...	...	7
Wayne	39	24	...	1	...	...	14
Westchester	107	82	...	2	...	...	23
Wyoming	4	1	...	...	...	...	3
Yates	2	2	...	...	...	...	...

Table A-121
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Breakdown of Dispositions (Allegations Not Established)
1992

			Dispositions - Allegations Not Established					
Location	Total	With-Drawn	Consolidated	Trans. to Other County	Dismissed After FF Hearing	ACD	Other Dismissal	Total Disps. Allegations Established
Total New York State	5583	799	46	21	13	743	1453	2508
Total New York City	1219	242	...	...	3	100	711	163
New York	275	69	...	...	1	4	181	20
Kings	148	19	...	...	1	18	74	36
Queens	429	65	...	...	1	51	231	81
Bronx	367	89	...	...	...	27	225	26
Richmond	...	...	...	...	...	...	...	...
Total Upstate	4364	557	46	21	10	643	742	2345
Albany	298	...	2	4	...	31	69	192
Allegany	45	5	...	1	...	12	3	24
Broome	98	1	...	1	...	6	16	74
Cattaraugus	27	5	...	...	...	3	3	16
Cayuga	23	2	...	...	...	5	5	11
Chautauqua	43	2	...	...	...	3	2	36
Chemung	79	...	2	1	...	9	5	62
Chenango	9	...	...	...	...	3	...	6
Clinton	25	1	...	...	...	2	1	21
Columbia	31	5	...	...	...	3	...	23
Cortland	25	1	...	1	...	8	1	14
Delaware	4	...	...	1	...	...	...	3
Dutchess	51	4	6	...	...	12	1	28
Erie	378	19	...	...	...	80	122	157
Essex	12	...	...	...	...	3	1	8
Franklin	26	4	...	...	...	...	3	19
Fulton	37	4	1	...	...	14	...	18
Genesee	19	1	...	...	...	2	1	15
Greene	51	1	1	...	...	5	3	41
Hamilton	2	...	...	...	...	...	...	2
Herkimer	55	17	3	...	...	12	3	20
Jefferson	64	4	4	1	...	10	1	44
Lewis	5	4	...	...	...	...	...	1
Livingston	20	7	...	2	...	6	...	5
Madison	65	7	...	...	...	12	2	44
Monroe	403	63	...	2	...	46	97	195
Montgomery	15	1	...	...	...	3	...	11
Nassau	243	26	...	...	2	10	12	193
Niagara	167	10	...	...	...	29	12	116
Oneida	91	9	...	...	...	3	8	71
Onondaga	459	100	...	...	1	113	98	147
Ontario	38	3	...	...	...	6	7	22
Orange	157	26	2	...	1	37	42	49
Orleans	33	4	...	...	...	6	...	23
Oswego	28	3	2	...	...	1	5	17
Otsego	6	...	...	...	...	...	...	6
Putnam	35	12	...	...	1	13	2	7
Rensselaer	...	...	...	...	...	...	...	...
Rockland	65	8	...	...	1	8	6	42
St.Lawrence	27	2	...	...	...	...	1	24
Saratoga	130	12	...	1	...	34	18	65
Schenectady	238	39	20	2	...	20	36	121
Schoharie	5	...	...	...	...	1	...	4
Schuyler	6	...	...	...	...	1	...	5
Seneca	30	4	...	...	1	1	3	21
Steuben	63	11	...	2	...	15	5	30
Suffolk	248	51	...	1	...	5	106	85
Sullivan	12	3	...	...	...	...	2	7
Tioga	...	...	...	...	...	...	...	...
Tompkins	47	9	...	1	...	1	13	23
Ulster	124	25	...	...	...	30	4	65
Warren	27	2	...	...	...	2	4	19
Washington	23	4	...	...	...	6	...	13
Wayne	39	10	1	...	...	4	...	24
Westchester	107	26	2	...	3	5	19	52
Wyoming	4	...	...	...	...	1	...	3
Yates	2	...	...	...	...	1	...	1

Table A-122
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Breakdown of Dispositions (Allegations Established)
1992

					Placement		
Location	Total	Discharged With Warning	Suspended Judg-Ment	Pro-Bation	Home Rel. Pvt. Person	Comm. Social Service	DFY
Total New York State	2508	31	122	1336	26	904	89
Total New York City	163	2	2	40	2	115	2
New York	20	...	...	1	...	18	1
Kings	36	...	2	13	...	20	1
Queens	81	1	...	21	1	58	...
Bronx	26	1	...	5	1	19	...
Richmond	...	...	...	...	...	...	...
Total Upstate	2345	29	120	1296	24	789	87
Albany	192	...	1	136	...	52	3
Allegany	24	...	...	12	1	6	5
Broome	74	...	13	42	1	18	...
Cattaraugus	16	...	...	15	...	1	...
Cayuga	11	...	1	4	...	6	...
Chautauqua	36	...	...	13	...	22	1
Chemung	62	...	13	27	...	18	4
Chenango	6	...	...	...	...	6	...
Clinton	21	...	...	10	...	7	4
Columbia	23	...	2	16	1	4	...
Cortland	14	...	1	10	...	3	...
Delaware	3	...	...	1	...	2	...
Dutchess	28	...	...	9	...	18	1
Erie	157	...	4	106	...	44	3
Essex	8	...	...	6	...	2	...
Franklin	19	...	1	7	...	11	...
Fulton	18	...	...	13	1	4	...
Genesee	15	...	...	12	...	3	...
Greene	41	...	...	37	...	4	...
Hamilton	2	...	...	...	...	1	1
Herkimer	20	1	1	7	...	11	...
Jefferson	44	...	...	31	2	9	2
Lewis	1	...	...	1	...	...	...
Livingston	5	...	...	2	...	3	...
Madison	44	...	14	9	...	21	...
Monroe	195	5	5	65	...	119	1
Montgomery	11	...	...	7	1	2	1
Nassau	193	7	6	142	1	4	33
Niagara	116	1	6	63	2	42	2
Oneida	71	...	...	21	...	42	8
Onondaga	147	8	13	71	1	51	3
Ontario	22	...	1	11	...	10	...
Orange	49	...	1	17	...	30	1
Orleans	23	...	1	12	...	10	...
Oswego	17	...	...	16	1	...	...
Otsego	6	...	...	...	2	4	...
Putnam	7	...	...	4	...	3	...
Rensselaer	...	...	...	...	...	...	...
Rockland	42	1	2	24	...	15	...
St.Lawrence	24	...	1	12	...	11	...
Saratoga	65	...	3	29	...	33	...
Schenectady	121	1	4	68	1	38	9
Schoharie	4	...	...	2	...	2	...
Schuyler	5	...	...	1	...	4	...
Seneca	21	...	4	8	...	9	...
Steuben	30	1	...	16	...	12	1
Suffolk	85	3	6	73	...	3	...
Sullivan	7	1	...	3	...	2	1
Tioga	...	...	...	...	...	...	...
Tompkins	23	...	7	8	...	8	...
Ulster	65	...	2	41	1	21	...
Warren	19	...	7	6	2	4	...
Washington	13	...	...	7	1	5	...
Wayne	24	...	...	15	...	9	...
Westchester	52	...	...	25	5	19	3
Wyoming	3	...	...	3	...	...	...
Yates	1	...	...	...	...	1	...

Table A-123
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Restitution or Public Service Recommended or Ordered
1992

Location	Total	Restitution or Pub. Services Recommended or Ordered	Restitution or Pub. Services Not Recommended or Ordered
Total New York State	5583	52	5531
Total New York City	1219	...	1219
New York	275	...	275
Kings	148	...	148
Queens	429	...	429
Bronx	367	...	367
Richmond	...	...	...
Total Upstate	4364	52	4312
Albany	298	...	298
Allegany	45	...	45
Broome	98	...	98
Cattaraugus	27	...	27
Cayuga	23	...	23
Chautauqua	43	...	43
Chemung	79	12	67
Chenango	9	...	9
Clinton	25	...	25
Columbia	31	1	30
Cortland	25	2	23
Delaware	4	...	4
Dutchess	51	...	51
Erie	378	1	377
Essex	12	...	12
Franklin	26	...	26
Fulton	37	[illegible]	37
Genesee	19	...	19
Greene	51	6	45
Hamilton	2	...	2
Herkimer	55	...	55
Jefferson	64	1	63
Lewis	5	...	5
Livingston	20	...	20
Madison	65	1	64
Monroe	403	...	403
Montgomery	15	...	15
Nassau	243	1	242
Niagara	167	...	167
Oneida	91	1	90
Onondaga	459	2	457
Ontario	38	...	38
Orange	157	...	157
Orleans	33	...	33
Oswego	28	...	28
Otsego	6	...	6
Putnam	35	1	34
Rensselaer	...	...	...
Rockland	65	6	59
St.Lawrence	27	1	26
Saratoga	130	1	129
Schenectady	238	...	238
Schoharie	5	...	5
Schuyler	6	...	6
Seneca	30	...	30
Steuben	63	...	63
Suffolk	248	9	239
Sullivan	12	...	12
Tioga	...	...	...
Tompkins	47	5	42
Ulster	124	1	123
Warren	27	...	27
Washington	23	...	23
Wayne	39	...	39
Westchester	107	...	107
Wyoming	4	...	4
Yates	2	...	2

Table A-124
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Children Released And Detained Before Petition Filed
1992

Location	Total	Not Released Pursuant to 728	Released Pursuant to 728	Not Applicable*
Total New York State	5580	45	10	5525
Total New York City	1217	21	2	1194
New York	275	2	...	273
Kings	146	5	1	140
Queens	429	2	...	427
Bronx	367	12	1	354
Richmond	...	...	...	...
Total Upstate	4363	24	8	4331
Albany	298	...	...	298
Allegany	45	1	...	44
Broome	98	...	...	98
Cattaraugus	27	...	...	27
Cayuga	23	...	...	23
Chautauqua	43	...	...	43
Chemung	79	...	...	79
Chenango	9	...	...	9
Clinton	25	1	...	24
Columbia	31	...	...	31
Cortland	25	...	...	25
Delaware	4	...	...	4
Dutchess	51	1	1	49
Erie	378	1	...	377
Essex	12	...	1	11
Franklin	26	1	...	25
Fulton	37	1	...	36
Genesee	19	...	...	19
Greene	51	...	...	51
Hamilton	2	...	...	2
Herkimer	55	...	...	55
Jefferson	64	...	...	64
Lewis	5	...	...	5
Livingston	20	...	1	19
Madison	65	...	...	65
Monroe	403	...	...	403
Montgomery	15	...	...	15
Nassau	243	4	...	239
Niagara	166	...	...	166
Oneida	91	...	...	91
Onondaga	459	1	...	458
Ontario	38	...	...	38
Orange	157	...	...	157
Orleans	33	...	...	33
Oswego	28	...	...	28
Otsego	6	...	...	6
Putnam	35	...	...	35
Rensselaer	...	...	...	...
Rockland	65	...	...	65
St.Lawrence	27	...	...	27
Saratoga	130	...	...	130
Schenectady	238	2	...	236
Schoharie	5	...	...	5
Schuyler	6	...	...	6
Seneca	30	1	4	25
Steuben	63	...	...	63
Suffolk	248	...	...	248
Sullivan	12	1	...	11
Tioga	...	...	...	...
Tompkins	47	1	...	46
Ulster	124	...	...	124
Warren	27	1	...	26
Washington	23	1	...	22
Wayne	39	3	1	35
Westchester	107	3	...	104
Wyoming	4	...	...	4
Yates	2	...	...	2

* Respondent not detained

Table A-125
FAMILY COURT
Original Dispositions of Persons In Need of Supervision Petitions: Children Released And Detained After Petition Filed
1992

Location	Total	0-7 Days	8-14 Days	15-21 Days	22-30 Days	31-90 Days	91-180 Days	181 or More Days	Not Detained
Total New York State	5581	216	133	113	209	463	115	18	4314
Total New York City	1217	36	28	14	21	143	50	12	913
New York	275	5	4	5	...	29	9	...	223
Kings	147	5	3	1	1	17	8	2	110
Queens	428	7	8	3	9	44	18	3	336
Bronx	367	19	13	5	11	53	15	7	244
Richmond	...	...	...	...	...	...	...	...	...
Total Upstate	4364	180	105	99	188	320	65	6	3401
Albany	298	1	3	4	84	29	3	...	174
Allegany	45	1	...	2	1	5	1	...	35
Broome	98	3	2	4	6	9	3	1	70
Cattaraugus	27	1	...	1	...	...	...	...	25
Cayuga	23	1	1	...	...	...	...	...	21
Chautauqua	43	...	...	2	3	1	...	...	37
Chemung	79	2	2	...	1	11	5	...	58
Chenango	9	...	...	...	...	...	...	...	9
Clinton	25	1	...	...	...	2	1	...	21
Columbia	31	...	...	...	...	...	...	...	31
Cortland	25	1	...	1	...	...	1	...	22
Delaware	4	...	...	...	...	...	...	...	4
Dutchess	51	1	1	...	...	4	...	...	45
Erie	378	61	20	20	14	24	...	...	239
Essex	12	...	...	...	...	...	...	...	12
Franklin	26	...	...	...	...	...	...	...	26
Fulton	37	...	...	1	...	...	...	...	36
Genesee	19	...	...	...	...	...	...	...	19
Greene	51	...	...	...	...	1	...	...	50
Hamilton	2	...	...	...	...	...	...	...	2
Herkimer	55	1	...	...	1	5	3	3	42
Jefferson	64	...	...	1	...	2	...	...	61
Lewis	5	...	...	...	...	...	...	...	5
Livingston	20	...	...	1	...	...	...	...	19
Madison	65	1	...	...	1	13	3	...	47
Monroe	403	32	29	13	22	103	19	...	185
Montgomery	15	2	...	...	...	...	...	...	13
Nassau	243	...	2	...	1	1	1	...	238
Niagara	167	4	4	4	3	6	1	...	145
Oneida	91	3	...	2	5	13	2	...	66
Onondaga	459	18	7	6	9	37	9	...	373
Ontario	38	3	1	1	2	3	...	...	28
Orange	157	...	...	...	...	2	...	...	155
Orleans	33	...	...	...	...	...	...	...	33
Oswego	28	...	...	...	...	1	...	...	27
Otsego	6	...	...	1	...	1	[illegible]	...	4
Putnam	35	...	...	...	...	1	...	1	33
Rensselaer	...	...	...	...	...	...	...	...	...
Rockland	65	2	1	...	2	5	4	...	51
St.Lawrence	27	...	...	...	...	...	...	...	27
Saratoga	130	1	...	18	4	...	...	...	107
Schenectady	238	9	14	9	11	18	1	...	176
Schoharie	5	...	...	1	...	...	...	...	4
Schuyler	6	...	...	...	...	...	...	...	6
Seneca	30	...	...	...	1	...	...	...	29
Steuben	63	5	1	1	1	5	2	...	48
Suffolk	248	7	7	3	4	...	...	...	227
Sullivan	12	...	...	...	...	...	...	...	12
Tioga	...	...	...	...	...	...	...	...	...
Tompkins	47	12	2	...	...	1	2	...	30
Ulster	124	...	1	...	...	...	...	...	123
Warren	27	3	4	1	...	1	...	1	17
Washington	23	1	...	...	1	...	...	...	21
Wayne	39	...	2	1	...	4	2	...	30
Westchester	107	3	1	1	11	12	2	...	77
Wyoming	4	...	...	...	...	...	...	...	4
Yates	2	...	...	...	...	...	...	...	2

Table A-126
FAMILY COURT
Persons In Need of Supervision Petitions: Orders Extending Placement
1992

Placement	Total Orders Extending Placement	1st Order Extending Placement	2nd Order Extending Placement	3rd Order Extending Placement	4th or More Order Extending Placement
New York State					
Home, Rel., Pvt. Person	12	7	4	...	1
Comm. Social Service	1030	602	245	107	76
Dfy Title II	97	53	29	11	4
**Total	1139	662	278	118	81
New York City					
Home, Rel., Pvt. Person	2	...	1	...	1
Comm. Social Service	71	45	12	9	5
Dfy Title II	8	7	1	...	...
**Total	81	52	14	9	6
Outside New York City					
Home, Rel., Pvt. Person	10	7	3	...	...
Comm. Social Service	959	557	233	98	71
Dfy Title II	89	46	28	11	4
**Total	1058	610	264	109	75

This table only includes those 110 forms where petition type (Section E) is code 3 -pins.